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ABSTRACT

This report focuses on two issues of civil rights in broadcasting--the portrayal of minorities and women on network television and the employment of these groups at television stations. Findings and recommendations concerning portrayal are derived from content analyses of television drama and television news. Commentary on employment is based on data obtained from 40 major commercial and public television stations and from analysis of Federal Communication Commission (FCC) employment reports. Data reveal that, despite some advances, minorities and women continue to be underrepresented and stereotyped in dramatic presentations and underrepresented on local station work forces. In addition to seven chapters devoted to discussion of the research and such other topics as FCC regulation of programming in the public interest, equal employment opportunity, and regulation of employment in the public interest, appendixes document the sources of data and provide the comments made by the FCC about this report and the responses of the Commission on Civil Rights to those comments. Tabulations of data are included. (KS)

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WINDOW DRESSING ON THE SET:
Women and Minorities in Television

A Report of the United States Commission on Civil Rights

August 1977

ED144115

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Letter of Transmittal

U.S. COMMISSION ON CIVIL RIGHTS
Washington, D.C.
August 1977

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The Commission on Civil Rights presents to you this report pursuant to Public Law 85–315 as amended.

This report focuses on two issues regarding civil rights in broadcasting—the portrayal of minorities and women on network television and their employment at television stations.

The Commission's findings and recommendations regarding portrayal are based on data primarily derived from two content analyses. One concerns a sample of television drama broadcast by each of the three networks during the years 1969 through 1974; the other is a study of a week of network news drawn from broadcasts by each of the three networks during 1974–1975. The findings and recommendations regarding employment are based on data obtained from 40 major market commercial and public television stations and an analysis of FCC employment reports.

During the 1950s, when television was in its infancy, minorities rarely appeared in either dramatic programs or on the news. When they did appear they, like women, were portrayed in stereotyped and demeaning ways. Neither minorities nor majority women enjoyed equality of employment opportunity.

The findings of this report show that despite advances made in portrayal as well as in employment opportunity, minorities and women—particularly minority women—continue to be underrepresented in dramatic programs and on the news and their portrayals continue to be stereotyped. Insofar as employment is concerned, they are underrepresented on local station work forces and are almost totally excluded from decisionmaking positions.

The recommendations in this report are directed to a variety of people and institutions, all of whom, working together, can rectify this situation. The recommendations are based on three principles:

—Television should accurately reflect the ethnic and gender diversity of the Nation.
—Minorities and women should participate fully in bringing this about.
—The Federal Government should ensure that this is done.

We urge your consideration of the facts presented here and the use of your good offices for the needed corrective action that will place all Americans in true

perspective on television and through the medium of television engender mutual respect between the various ethnic and racial segments of our society.

Respectfully,

Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, *Staff Director*

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin;
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Introduction

Television plays the dominant role in the mass communication of ideas in the United States today. In 1975, 112 million television sets were in use in 68.5 million households, almost every American home.[1] The number of hours people spend watching television has increased over the years. In 1960 the A.C. Nielsen Company, a marketing research organization which measures the size of the television audience for its advertising clients, reported that members of the typical American household viewed 5 hours and 3 minutes of television each day.[2] By 1975, this figure had risen to 6 hours and 49 minutes, an increase of 29 percent.[3]

Audiences place a higher value on television as a source of information and entertainment than on other media. In a 1970 study of attitudes towards television and other forms of mass communication, 72 percent of the respondents said they found television more entertaining than magazines, newspapers, and radio. Fifty-four percent believed that it brings people the latest news most rapidly. Television also receives the highest marks for providing the fairest and least biased news coverage—33 percent compared to 23 percent for newspapers and 19 percent for radio.[4]

Television does more than simply entertain or provide news about major events of the day. It confers status on those individuals and groups it selects for placement in the public eye, telling the viewer who and what is important to know about, think about, and have feelings about.[5] Those who are made visible through television become worthy of attention and concern; those whom television ignores remain invisible.

In the early days of television, blacks were rarely seen on the screen. A study conducted in 1962, for example, found that three black faces appeared once every 5 hours.[6] The drama of the civil rights movement, however, captured media attention. Black people became more visible and instilled a new awareness in the American public that they had been denied equality under the law and that they were determined to achieve it.

Television's role in publicizing the civil rights movement raised an important issue: to what extent and in what ways had television played a role in perpetuating the inequality of blacks? The first major study of this issue was conducted by the Kerner Commission and appeared in its *Report of the National Advisory Commission on Civil Disorders.* The Kerner Commission was appointed by President Johnson to investigate a series of racial disorders to discover what happened, why it happened, and what could be done to prevent it from happening again.[7] One of the topics investigated was media coverage of race relations. The Commission concluded that the news media had failed to communicate to the American people "on race relations and ghetto problems."[8]

The Kerner Commission found two failures in regard to portrayal of blacks in the media. Not only was visibility of blacks generally low, particularly in regard to their routine portrayal as part of the society, but when blacks did appear on the screen they were presented as whites saw them, not as they saw themselves. The Commission was concerned about the effect—on whites as well as on blacks—of

[1] *Broadcasting Yearbook* (Washington, D.C.: Broadcasting Publications, Inc., 1975), p. A-2.
[2] Robert T. Bower, *Televison and the Public* (New York: Holt, Rinehart & Winston, 1973), p. 29, table 3-1.
[3] *Broadcasting Yearbook*, 1975, p. A-2.
[4] Bower, *Television and the Public*, p. 14, table 2-2.
[5] Paul F. Lazarsfeld and Robert K. Merton, "Mass Communication, Popular Taste and Organized Social Action," in *Mass Culture: The Popular Arts in America*, eds. Bernard Rosenberg and David Manning White (New York: The Free Press, 1957), pp. 461-62.
[6] Regina Lowenstein, Lawrence Plotkin, and Douglas Pugh, *The Frequency of Appearance of Negroes on Television* (The Committee on Integration, New York Society for Ethical Culture, 1964), p. 4.
[7] *Report of the National Advisory Commission on Civil Disorders*, Otto Kerner, Chairman (New York: Bantam Books, 1968), p. 1.
[8] Ibid., p. 382.

a television world that "is almost totally white in both appearance and attitude."[9]

This indictment of the media was directed toward its portrayal of blacks. However, the Commission's twofold argument—that white control of the media affects the way in which blacks are portrayed and that these portrayals affect the ways in which blacks and whites perceive blacks—applies to other racial and ethnic minorities. Three other minority groups—Native Americans, Asian Americans, and people of Spanish origin[10]—continue to remain relatively invisible on the television screen. The Screen Actors Guild reported that individuals from these three minority groups combined constituted less than 3 percent of all characters in television dramas and comedies broadcast in 1974.[11] Blacks constituted an additional 5.8 percent.[12] A 1973 study of the occupational portrayal of minorities in television drama reported that less than 7 percent of all characters who appeared in a recognizable occupation were Asian American, Native American, or of Spanish origin; 6.3 percent were black.[13] As far as can be determined, only one study of minorities—blacks—on television network news has been conducted. In "The Presentation of Blacks in Television Network Newscasts," Churchill Roberts concluded that "the most notable quality of the newscasts. . .is the relatively few appearances made by blacks and their low visibility in those appearances."[14]

Women, in contrast to minorities, have not been invisible on television, although studies of their portrayal in dramatic television programs have found that they rarely exceed 30 percent of all characters.[15] The major criticism has been that television drama continues to portray women in traditional, stereotyped, and often demeaning roles.[16] The National Organization for Women has studied the appearance of women in network newcasts and found that among 21 news topics, women's rights and women's changing roles received the least emphasis. In addition, women accounted for 10 percent of all newsmakers and 6.5 percent of all reporters.[17]

The Kerner Commission concluded that a mass medium dominated by whites will ultimately fail in its attempts to communicate with an audience that includes blacks. A similar conclusion could be drawn in regard to other racial and ethnic minorities and, to the extent that the medium is also dominated by men, to an audience that includes women. This reasoning served in part to encourage the Federal Communications Commission (FCC), the agency which regulates the broadcasting industry, to adopt policies and procedures designed to assure equal employment opportunity in all television and radio stations.[18]

[9] Ibid., p. 383.

[10] In addition to blacks, these three groups are the minorities included in this study.

[11] "SAG Documents Use of Women and Minorities in Prime-Time Television," Screen Actors Guild news release, Oct. 31, 1974.

[12] Ibid.

[13] John F. Seggar and Penny Wheeler, "World of Work on TV: Ethnic and Sex Representation on TV Drama," *Journal of Broadcasting* 17 (1973): 204, table 1.

[14] Churchill Roberts, "The Presentation of Blacks in Television Network Newscasts," *Journalism Quarterly* 52 (1975): 54.

[15] See, for example, Sidney W. Head, "Content Analysis of Television Drama Programs," *Quarterly of Film, Radio and Television* 9 (1954): 175–94; Joseph Turow, "Advising and Ordering: Daytime, Prime Time," *Journal of Communication* 24 (1974): 138–41; Jean C. McNeil, "Feminism, Femininity, and the Television Series: A Content Analysis," *Journal of Broadcasting* 19 (1975): 259–69; and Statistical Subcommittee of the Women's Conference Committee of the Screen Actors Guild, "3-Year Television Female Performer Employment Study," May 1975, sect. II, table C.

[16] See, for example, Mildred Downing, "Heroine of the Daytime Serial," *Journal of Communication* 24 (1974): 130–37; Nancy Signorielli Tedesco, "Patterns in Prime Time," *Journal of Communication* 24 (1974): 119–24; Michele L. Long and Rita J. Simon, "The Roles and Statuses of Women on Children and Family TV Programs," *Journalism Quarterly* 51 (1975): 107–10; "Women on Words and Images," *Channeling Children. Sex Stereotypes on Prime TV.* Princeton, N.J., (1975), pp. 29–30; and Jean C. McNeil, "Feminism, Femininity, and the Television Series: A Content Analysis," 259–69.

[17] National Organization for Women, National Capital Area Chapter, "Women in the Wasteland Fight Back, A Report on the Image of Women Portrayed in TV Programming," mimeographed (Washington, D.C., 1972), pp. 105–16.

[18] Memorandum Opinion and Order and Notice of Proposed Rulemaking to Require Broadcasters to Show Nondiscrimination in Their Employment Practices, 13 F.C.C. 2d 770 (1968). The Federal Communications Commission in comments prepared in response to a draft of this report has noted that:

> Programming is, of course, the essence of broadcast service in the public interest. Recognizing this simple and fundamental premise, the Commission in 1968 admonished all broadcast licensees to provide equal employment opportunities to all persons without regard to their race, color, religion, national origin, or sex. In this respect, we agree that the lack of adequate role models may have an adverse effect on minorities and women. We would also agree that the traditional programming broadcast 15–20 years ago has undergone a substantial change. Increasing numbers of minorities and women are now actively seeking employment in higher status jobs in broadcasting and are attending professional schools to prepare themselves for such jobs. Further, the period of improved programming for minorities and women has followed and in part coincided with this agency's efforts to encourage and promote improved job opportunities for minorities and women. Letter from Wallace E. Johnson, Chief, Broadcast Bureau, Federal Communications Commission (FCC), to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, May 16, 1977.

The Commission on Civil Rights is pleased to learn that the FCC shares its belief that "the lack of adequate role models may have an adverse effect on minorities and women." Although improvements in both the employment and portrayal of minorities and women in television can be documented, this report concludes that there is considerable room for continued improvement. The Commission recognizes that the FCC has played a role in promoting improved job opportunities for minorities and women. This report examines that role, evaluates its effectiveness, and makes recommendations for change in FCC procedures.

Among the FCC's primary functions in the regulation of broadcasting is the allocation of frequencies, or channels, and the granting of licenses.[19] In return for the use of this valuable public resource, the licensee promises to operate in the public interest. The license must be renewed every 3 years, at which time broadcasters must demonstrate in their applications for license renewal that they have fulfilled their public interest obligations.[20]

The FCC incorporated its regulation of employment into the license renewal process, asserting that a station which is "deliberately pursuing or preparing to pursue a policy of discrimination" cannot be operating in the public interest.[21] The FCC also argued that it is necessary that broadcasters provide equal employment opportunity in order to guarantee programming that serves the public interest. In this regard the FCC stated:

> A refusal to hire Negroes or persons of any race or religion clearly raises a question of whether the licensee is making a good faith effort to serve his entire public. Thus, it immediately raises the question of whether he is consulting in good faith with Negro community leaders concerning programming to serve the area's needs and interests.[22]

The goal of the FCC's equal employment opportunity rule is the assurance that "no person shall be discriminated against in employment because of race, color, religion, national origin or sex."[23] To achieve this goal each television station owner is required to develop an equal employment opportunity program.[24] In addition, broadcasters with five or more full-time employees are required to file an annual employment report (FCC Form 395) describing the composition of the station's work force by sex as well as for four minority groups: "Negroes, Orientals, American Indians, and Spanish-surnamed Americans."[25]

Federal Communications Commission procedures include mechanisms for citizen participation in the regulation of broadcasting.[26] Private individuals or groups may file an informal objection to the renewal of a broadcaster's license or formally challenge its renewal by filing a "petition to deny."[27] Such objections and challenges have often included allegations that the licensee is not operating in the public interest in regard to employment or programming, or both. The license challenge proceeding against WLBT-TV in Jackson, Mississippi, initiated by the United Church of Christ in 1964 was a landmark case in guaranteeing civil rights in broadcasting. Acting on behalf of the black community, the United Church of Christ petitioned to deny the license of WLBT on the grounds that it gave almost no television exposure to blacks and that its programs were generally disrespectful to them.[28] WLBT's license was eventually revoked under court order in 1969.[29]

Public participation in FCC regulatory proceedings has focused attention on two civil rights issues: the extent to which local broadcasters are making employment opportunities equally available to women and minorities, and the ways in which minorities and women are portrayed on television programs. The U.S. Commission on Civil Rights has undertaken a study of these issues, pursuant to its mandate to investigate and document various forms of discriminatory practices that constitute denial of equal protection of the laws.[30]

The data developed in this study of the employment and the portrayal of minorities and women in television show that some improvements have been made since the 1950s and 1960s. However, they document very specifically the extent to which minorities and women—particularly minority women of each of the groups studied—continue to be underrepresented on local station work forces and to be almost totally excluded from decisionmaking and important professional positions at those stations. Furthermore, minorities and women—again, particularly minority women—are underrepresented on network dramatic television programs and on the network news. When they do appear they are frequently seen in token or stereotyped roles.

[19] Federal Communications Act of 1934, as amended, 47 U.S.C. §303(c), §307(a).
[20] *Id.* at §307(d) and §309(a).
[21] 13 F.C.C. 2d 769 (1968).
[22] *Id.* at 771.
[23] 47 C.F.R. §73.125.
[24] Report and Order in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, 23 F.C.C. 2d 240 (1970).
[25] *Id.* at 435.
[26] *The Public and Broadcasting*, rev. ed., 39 Fed. Reg. 32288-2296, (Sept. 4, 1974).
[27] *Id.* at 32291-2293.
[28] Office of Communication of the United Church of Christ v. F.C.C., 359 F. 2d 994, 998 (D.C. Cir. 1966).
[29] Office of Communication of the United Church of Christ v. F.C.C., 425 F. 2d 543, 550 (D.C. Cir. 1969).
[30] Civil Rights Act of 1957, as amended, 42 U.S.C. §1975(c) (1957).

Chapter 1

Commercial Television—The Portrayal of Women and Minorities

Throughout the early history of television programming, minorities were excluded from the screen except for certain stereotyped roles in programs of a particular type. Blacks appeared most often in comedy and variety shows; Native American roles were limited to the television western; Asian Americans appeared primarily in Fu Manchu and Charlie Chan movies. People of Spanish origin, usually Mexican Americans, appeared primarily as bandits in television westerns or in reruns of movies such as *The Treasure of the Sierra Madre.* Women were most frequently portrayed as homemakers or sex objects.

PROGRAMMING IN THE 1950s

Portrayal of Blacks

Erik Barnouw, a noted broadcasting historian, describes the absence of blacks in television's early years:

> Radio had been close to lily-white, but implicitly. Television was explicitly and glaringly white. A seeming mirror of the world, it told the Negro continually that he did not exist except in "insults" like *Amos 'n' Andy.* [1]

First broadcast on radio in 1929, "Amos 'n' Andy" was originally created by Freeman Gosden and Charles Correll, two white men who played the major characters.[2] The radio program was so popular that a television version—with the characters in blackface makeup—was created to inaugurate the new medium in a special demonstration at the 1939 world's fair.[3] CBS decided to turn "Amos 'n' Andy" into a television series in the early 1950s, using black actors. According to Barnouw, this created a "furor." To mitigate any discomfort white viewers may have had in seeing blacks on the television screen, Gosden and Correll trained black actors to portray the characters "in the nuances of the stereotype" with which whites would be comfortable.[4] Apparently, to avoid interaction between blacks and whites, Amos and Andy lived in an all-black world in which all the judges, policemen, shop owners, and city clerks were black.

The show's stereotyped portrayal of blacks was heavily criticized. In 1951 the National Association for the Advancement of Colored People (NAACP) demanded that it be taken off the air:

> It tends to strengthen the conclusion among uninformed and prejudiced people that Negroes are inferior, lazy, dumb and dishonest.
>
> Every character in this one and only TV show with an all-Negro cast is either a clown or a crook.
>
> Negro doctors are shown as quacks and thieves.
>
> Negro lawyers are shown as slippery cowards, ignorant of their profession and without ethics.
>
> Negro women are shown as cackling, screaming shrews, in big-mouth close-ups, using street slang, just short of vulgarity.
>
> All Negroes are shown as dodging work of any kind.

[1] Erik Barnouw, *The Golden Web: A History of Broadcasting in the United States, 1933-1953,* vol. II (New York: Oxford University Press, 1970), p. 297.
[2] Edward Clayton, "The Tragedy of Amos and Andy," *Ebony,* October 1961, p. 66.
[3] Barnouw, *The Golden Web,* p. 126.
[4] Ibid., p. 297.

> Millions of white Americans see this Amos 'n' Andy picture and think the entire race is the same. . . .[5]

CBS, which had paid $2.5 million to Gosden and Correll for 20-year rights to the show, kept it on the network until June 1953 and then released it for syndication. It was not until 1966 that the network barred any further syndication or overseas sales of the program.[6]

In addition to "Amos 'n' Andy," blacks appeared in television's variety shows and played a few stereotyped roles in situation comedies. Presenting blacks as singers and dancers was considered unlikely to offend white audiences. Indeed, appearances by black entertainers were considered essential to a well-rounded show.[7] Blacks in situation comedies were limited to stereotyped and menial servant roles: the maids in "The Great Gildersleeve" and "Beulah"; the handyman on the "The Stu Irwin Show"; and Rochester on "The Jack Benny Show."

Reluctance to offend the sensibilities of the white audience—and thereby risk loss of revenue—continued to affect the portrayal of blacks on television. Ethel Waters' appearance on a 1961 "Route 66" episode had more than a touch of *deja vu.* The cast was all black while the technical crew, writers, and producers were white. One writer instructed Ms. Waters in the proper way to sing "Good Night, Sweet Blues." His justification for such behavior was made on the grounds that the production company was taking a big risk by doing the episode and the production staff had to maintain strict supervision.[8]

Throughout the 1950s advertisers produced most of the programs on the network schedules. As had been the case with radio, they had access to certain time periods on the networks, filling them with programs they had financed and produced. The advertising agency planned the client's media campaign, created and produced its commercials, and was also actively involved in producing the programs its clients sponsored. To promote the client's interests, the agency exercised tight control over program content.[9]

Sponsors controlled programs through a variety of prescriptions and proscriptions designed to evoke positive associations with products or to avoid negative ones. One of the best examples of this is the control the manufacturer of Camel cigarettes exercised over its program "Man Against Crime." Writers were instructed to avoid portraying disreputable characters as cigarette smokers or to show people smoking in undesirable situations. Furthermore, cigarettes were to be smoked gracefully and never to be offered to calm a character's nerves for fear of associating cigarettes with a narcotic effect.[10]

Generally, advertisers wanted programs they sponsored to be as conducive as possible to selling their products. To do this, they instructed writers to "create a bright sales atmosphere" and to write "happy shows for happy people with happy problems."[11] Thus, programs were meant to provide a suitable context for television commercials whose message was that problems could be whisked away by buying the products advertised.

Programs which might realistically portray blacks and other minorities were likely to raise social and economic problems which could not easily be whisked away. "Thunder on Sycamore Street," a play by Reginald Rose, was a fictional presentation of an event which occurred in Cicero, Illinois. As originally written, the play featured a black family who had just moved to a white neighborhood and focused on the efforts of local residents to get them out. Erik Barnouw describes the responses to the script:

> It was approved with one proviso. Network, agency, and sponsor were all firm about it. The black family would have to be changed to "something else." A Negro as beleaguered protagonist of a television drama was declared unthinkable. It would, they said, appall Southern viewers.[12]

Rose rewrote the play making the unwanted neighbor an ex-convict and leaving until the very end the reason why his neighbors wanted to get rid of him.

[5] "News from NAACP," July 19, 1951, quoted in George Eaton Simpson and J. Milton Yinger, *Racial and Cultural Minorities,* Rev. Ed. (New York: Harper and Bros., 1958), p. 716.

[6] Marilyn Diane Fife, "Black Image in American TV: the First Two Decades," *The Black Scholar,* (November, 1974), pp. 9–10.

[7] "Television Negro Performers Win Better Roles in TV than in Any Other Entertainment Medium," *Ebony* (June, 1950), pp. 22–23.

[8] Richard Lemon, "Black is the Color of TV's Newest Stars," *Saturday Evening Post,* Nov. 30, 1968, p. 82, as cited by Fife, "Black Image in American TV," p. 12.

[9] Les Brown, *Televi$ion, The Business Behind the Box* (New York: Harcourt, Brace, Jovanovich, Inc., 1971), pp. 64–65.

[10] Erik Barnouw, *The Image Empire, A History of Broadcasting in the United States, vol. II: from 1953* (New York: Oxford University Press, 1970, p. 23.

[11] Barrow, *The Attainment of Balanced Program Service in Television,* 52 Va. L. Rev., 633, 637 (1966).

[12] Barnouw, *The Image Empire,* p. 34. For other instances of impact of sponsor censorship of the programs featuring blacks, see, pp. 35–36.

Aside from fear of raising controversial issues, advertisers also feared associating their products with blacks. Nat King Cole, the first black to star in his own network show, had great difficulty finding advertising support. His show appeared on NBC in 1956 opposite CBS's "The $64,000 Question." The show did well in the ratings and was carried by 77 stations, about half of which were in the South. No national advertiser stepped forward to sponsor the show:

> It was without a sponsor because of the general fear of advertisers that their product might be linked with a black face. The offense of the white consumer, not support of the black consumer, loomed in the would-be sponsors' minds.[13]

For a while NBC presented the program without commercial sponsorship. Eventually, Rheingold Beer became a cosponsor, but the "Nat King Cole Show" never achieved complete sponsorship and went off the air the following year.

Portrayal of Native Americans

Two new trends in television programming emerged almost simultaneously in the mid 1950s. First, Warner Brothers, a major Hollywood film studio, began production of a television series for ABC. Second, an antitrust suit brought against the Hollywood studios in 1948 to break up their monopolistic control of the production and distribution of films eventually resulted in the sale of theatrical films to television.

"Cheyenne," a western series produced by Warner Brothers in 1955, initiated one of television's most popular and profitable formats. Warner Brothers was the first Hollywood studio to recognize that it could make money producing for television. "Cheyenne," based on a Warner Brothers film of that name, was so successful that by 1958 there were 30 westerns on prime time television with Warner Brothers producing five.

Warner Brothers and other Hollywood producers used sets, props, and costumes and a great deal of film footage from old movies, making westerns relatively inexpensive to produce. Scenes of cattle drives, stampedes, barroom brawls, and Indian battles were usually from leftover film footage.[14]

The portrayal of Native Americans as "blood thirsty savages" in television westerns repeated a stereotype that had already been heavily exploited in the movies. Native Americans objected to this portrayal. In 1960 the Oklahoma Legislature, at the behest of its Native American population, denounced the ways in which television depicted the American Indian. The resolution read:

> There is no excuse for TV producers to ignore the harm that may be done the children of America by repetitious distortion of historical facts pertaining to the way of life of any race or creed, including the American Indian. Many TV programs show Indians as bloodthirsty marauders and murderers.[15]

Subsequently, the Association on American Indian Affairs (AAIA) followed up the resolution with a national campaign to improve the portrayal of Native Americans. Among its members were a number of actors, including Roy Rogers and Joel McCrea, who often appeared in westerns. The AAIA criticized a number of television programs which were particularly invidious in their depiction of the American Indian:

> [In "Wagon Train,"]. . .Indians are shown as drunken, cowardly outlaws. Indians are usually attacking wagon trains. Curiously, the Indians hardly, if ever, score a hit on the white men, whereas they are mowed down with ease. The resultant portrait indicates that the Indians are poor, inept fighters. . . .
>
> . . .[In "Laramie," Indians were often portrayed] holding white girls captive, in addition to other brutal action. [In "Overland Trail," Native Americans were depicted as] unbelievably stupid savages, believing in the most ridiculous witchcraft.[16]

The AAIA also made recommendations regarding the accurate depiction of Native Americans:

> Accurate portrayal. . .requires that the American Indian be presented as a brave defender of his homeland and of a way of life as good and free and reverent as the life dreamed of by the immigrants who swarmed to these shores.[17]

The AAIA campaign was short-lived, ending less than a year later and long term results were negligi-

[13] Fife, "Black Image in American TV," p. 10.
[14] Barnouw, *The Image Empire*, p. 63.
[15] Ralph E. Friar and Natasha A. Friar, *The Only Good Indian. . .The Hollywood Gospel* (New York: Drama Book Specialists/Publishers, 1972), p. 260.
[16] Ibid., p. 261.
[17] Ibid., p. 260.

ble. The television western, a popular and profitable format, continued to occupy a major portion of the television schedule of all three networks throughout the 1960s, with protests falling on deaf ears. In 1967 ABC announced plans for a new series based on the life of General Custer. In response to nationwide Native American protest, ABC replied, "If the network felt it was doing something detrimental to the Indians of America, obviously the show would never be put on the air."[18] "Custer" premiered that fall and received the following review by Jack Gould of the the *New York Times:*

> The National Congress of the American Indian demanded equal time to reply to the American Broadcasting Company series "Custer" which opened last night. . . .The plea was misguided; the white man and the red man are entitled to an equal rebate for wasted electricity in turning on the receiver. . . .The Indians may find their organized protest will be superfluous. Probably they can put their faith in A.C. Nielsen, Inc., when the research company announces its ratings of the season's new shows.[19]

The Native Americans continued their protest, but the program remained on the air. It remained, that is, until the Nielsen ratings indicated that the show was unpopular. True to Gould's prediction, ABC took it off the air and "Custer" made its last stand.[20]

Portrayal of Asian Americans

In 1955 the major film studios, led by RKO, began to release old films to distributors for use on local television stations. Previously, Hollywood studios had resented the business that television was taking away from movie theaters and refused to release their old films. After the antitrust suit, RKO, which had not been producing for television, decided to sell its films as well as its studio, and soon thereafter, other major Hollywood studios followed suit. Old movies became a television staple because they were an inexpensive way to fill a schedule. Local stations, particularly those unaffiliated with a network, began to devote much of their broadcast day to old Hollywood movies. WOR-TV in New York had been broadcasting live drama every night in 1954, but by 1956, 88 percent of its schedule consisted of movies.[21]

The old films brought to the television screen a view of American life that was already 25 years old. The depiction of Asian Americans illustrates the offensive way in which minorities were cast in some of these films.

Hollywood portrayed the Asian American male in two ways. Irvin Paik, a filmmaker who has studied the image of Asians in the media, writes, "with rare exceptions, Asians are always portrayed as waiters, laundrymen, cooks, villains, warmongers,. . .house servants, gardeners, [and] karate experts. . . ."[22] Primarily, they were shown either as Fu Manchu-type villains operating with cunning slyness and inscrutability or as Charlie Chan, who was a super-good, superwise, self-effacing detective.

The first Fu Manchu movie— *The Mysterious Dr. Fu Manchu* —appeared in 1929. A series of Fu Manchu movies were made in the 1930s, depicting Chinese characters in exotic and vaguely criminal settings involving opium and the black market. These movies were frequently shown in the 1950s on local television stations.[23]

Charlie Chan, who was featured in more than 40 films made in the 1930s and 1940s, embodied the intelligent but nonaggressive stereotype of the Chinese people. These films popularized "Confucius say" aphorisms such as "man should never hurry except to catch a flea" and "a good wife is the best household furniture."[24] Charlie Chan movies on local television stations helped keep this stereotype alive, and the Charlie Chan character has reappeared in an NBC series and in a children's cartoon series called "The Amazing Chan and the Chan Clan" on CBS.

Both Charlie Chan and Fu Manchu—as well as almost every other leading Asian role—were always played by whites in "yellow face." Asian male television leads have also been played by whites. For example, David Carradine starred in "Kung Fu" and

[18] Ibid., p. 274.
[19] Ibid., pp. 275–76.
[20] ABC has since noted that this program was broadcast in an era when standards were considerably different than they are today. Last year, for example, ABC broadcast "I Will Fight No More Forever," a highly acclaimed saga about Chief Joseph and the Nez Perce Indians told primarily from the Indians' point of view. Telephone interview with Richard P. Gitter, Director, East Coast Department of Broadcast Standards and Practices, ABC, Feb. 10, 1977.
[21] Barnouw, *The Image Empire*, pp. 64–65.
[22] Irvin Paik, "A Look at the Caricatures of the Asian as Sketched by American Movies," *Roots: An Asian American Reader*, eds. Amy Tachiki, Eddie Wong, and Franklin Odo (Los Angeles: U.C.L.A. Asian American Studies Center, 1971), p. 30.
[23] Ibid.
[24] Ibid., p. 32.

Ross Martin played Charlie Chan in a 1971 reincarnation of that character.[25]

Asian women have traditionally been portrayed in two stereotyped ways. According to Asian Americans for Fair Media, they appear as "docile, submissive, and sexless" or as "exotic, sexy, and diabolical."[26] The first stereotype was portrayed in such movies and television programs as *Sayonara, Flower Drum Song,* and "The Courtship of Eddie's Father." The exotic Asian woman, who often appears as a geisha, a dragon lady, or a prostitute, has been used in films and on television as background or to help move the story forward.[27]

Many of the old movies are still shown today. When ethnic groups protest vociferously enough, some local television stations cut particularly offensive scenes or simply shelve certain films. Such has been the case with a number of World War II movies which the Japanese American Citizens League has designated as "objectionable" because of their "derogatory and vicious" portrayals of Japanese.[28] Similarly, Mexican American citizens' groups have been successful in convincing local stations that many western films, such as *The Treasure of the Sierra Madre,* portray them in an offensive manner and should not be aired.[29]

Portrayal of Women

Women were not excluded from television programs in the 1950s, although they did not appear as frequently as might be expected. Sydney Head reported in a 1954 study of network television drama that only 32 percent of all characters were female.[30] Women's roles were limited to the zany and incompetent, as in "I Love Lucy," and to the supportive homemaker-mother, as in family situation comedies such as "Father Knows Best" and "The Donna Reed Show."

Television households were always spotless and smoothly managed, but the women who maintained them usually looked as though they spent most of their time in the beauty parlor. Women were rarely portrayed outside the home or family situation. When they ventured into the occupational world their roles were stereotyped. Barbara Hale played Perry Mason's secretary, Zazu Pitts was a manicurist on "Oh Susannah," and Eve Arden was a teacher on "Our Miss Brooks."

By the close of its first decade, television was firmly established as the leading entertainment medium in the United States. The networks and sponsors had learned which programs contained the formulas for success in attracting the largest possible audiences. Programs which were particularly popular were situation comedies and action-filled western, crime, and mystery shows.[31]

PROGRAMMING IN THE 1960s

The structural arrangement characteristic of television in the 1950s, when sponsors bought time from the networks, produced or contracted for the production of programs, and exercised tight control, was changed in 1960 when the networks assumed control over program production and the composition of their schedules. Sponsors began to be known as advertisers, buying minutes from the networks rather than the longer time periods they had formerly controlled. It was inevitable that the networks would eventually take over both programming production and distribution functions because of the higher profits which would accrue from their ability to control an entire schedule of programs. It was at this time that ABC initiated the practice of "counter programming"—scheduling programs likely to draw audiences away from the other networks.[32]

The ABC network lagged behind CBS and NBC, with fewer affiliates and the lowest audience ratings. It needed programs which would attract larger audiences. Since Hollywood-produced western, crime, and mystery shows had already proven popular, ABC contracted with the Hollywood studios for more. "The Untouchables," which Barnouw characterizes as probably the most violent show on television, premiered in the fall of 1960. By spring of the following year it was the top-rated show on television. Other popular shows on ABC were "77 Sunset Strip," "The Rebel," "Cheyenne," "Rifleman," and "Hawaiian Eye."[33]

ABC scheduled many of its action-adventure series against CBS's and NBC's situation comedies, a

[25] Ibid., p. 33.
[26] Asian Americans For Fair Media, *The Asian Image in the United States* (New York: n.p., n.d.), p. 3.
[27] Ibid.
[28] Les Brown, "Ethnic Pressures Are Effective in Barring 'Offensive' TV Films," *New York Times,* Nov. 28, 1973, p. 90.
[29] Ibid.
[30] Sydney W. Head, "Content Analysis of Television Drama Programs," *Quarterly of Film, Radio and Television,* vol. 9 (1954), p. 181.
[31] Barnouw, *The Image Empire,* p. 110.
[32] William Melody, *Children's Television: The Economics of Exploitation* (New Haven: Yale University Press, 1973), pp. 46–48.
[33] Barnouw, *The Image Empire,* p. 149.

strategy which won for ABC the largest share of the audience. The popularity of what ABC euphemistically called "action shows" could not be ignored by the other networks. Soon, all three were engaged in a monumental ratings race. Programs featuring sex and violence were the weapons they used.[34] Many of these programs portrayed women as victims of violence or as sex objects.

Now, network executives instead of sponsors controlled program content. Erik Barnouw, quoting several memoranda from network executives, demonstrates the tight control maintained over scripts. These memoranda also illustrate the networks' demand for increased "action." Complaining of "insufficient vigor in recent scripts," ABC headquarters wrote the following to one executive producer:

> We have been advised that two of the recent episodes of *The Untouchables*, "Mexican Stake Out" and "Ain't We Got Fun" lacked some of the dynamic excitement of earlier episodes. . . .I hope you will give careful attention to maintaining this action and suspense in future episodes. As you know, there has been a softening in the ratings.[35]

Memoranda like these from the networks evoked similar responses from the executive producer to his assistants. Barnouw illustrates this point with the following from the producer to his staff:

> You'd better dictate some scenes of action in acts 1 and 2. . .or we are all going to get clobbered.

And:

> I wish you'd come up with a different device than running the man down with a car, as we have done this in three different shows. I like the idea of sadism—but I hope we can come up with another approach to it.[36]

Action shows that featured the crime and punishment of male characters usually included a woman who served one or more of three functions: to look sexy and provide romantic interest, to get killed in order to move the plot forward, or to be saved and thus enhance the masculinity of the rescuer.

[34] Ibid., pp. 149–51.
[35] Ibid., p. 152.
[36] Ibid.
[37] Barnouw, *The Image Empire*, pp. 207–08.

Television News

Television's importance as a news and information medium was growing. In 1963 CBS and NBC expanded their evening news programs from 15 minutes to one-half hour. This expansion came at a time when television-related technology was improving: videotape was coming into use, film and television cameras which needed less artificial light were developed, and AT&T's Telstar satellites were in the air, all of which made it possible for television to bring more news to the American viewer.[37]

As a news medium television brought into the homes of its national audience highly dramatic images of the racial struggle that was going on in the South. William Small in his book on television news describes some of the scenes which played before the eyes of viewers who could watch at a safe, comfortable distance:

> . . .Young Negroes dragged out of buildings, grim-jawed, sit-ins surrounded by angry whites, hoodlums pouring mustard on the heads of blacks at a lunch counter, police moving in with brutal swiftness.[38]

Soon, the civil rights struggle became a daily feature on the national news. Viewers saw buses being burned and stoned, Martin Luther King leading marches and being arrested for parading without a permit, Bull Connor with fire hoses and police dogs, George Wallace standing defiantly at the schoolhouse door, the funeral of Medgar Evers, the march on Washington, and the bombed-out Birmingham church in which four little girls had been killed.[39]

To help cover these events, the networks hired their first black reporters. Although this action was assailed as mere tokenism by some, others thought the networks had gone too far.[40]

Within the civil rights movement there was growing awareness of the need to pressure the mass media to increase its coverage and to improve its portrayal of blacks. Aided by the Office of Communication of the United Church of Christ, citizens of Jackson, Mississippi, in 1964 launched the first television license challenge against station WLBT-TV based on discrimination in programming. The petitioners asserted that WLBT had, on more than one occasion, cut off network news programs which

[38] William Small, *To Kill a Messenger: Television News and the Real World* (New York: Hastings House, 1974), p. 43.
[39] Ibid., p. 45.
[40] Barnouw, *The Image Empire*, p. 224.

explored racial integration. Allegedly, this first occurred in 1955 when, according to the petitioners, the station cut off a program in which Thurgood Marshall, then general counsel of the NAACP, appeared, by flashing a "Sorry, Cable Trouble" sign on the screen. The petitioners cited a similar example in 1963 when the station again allegedly used the sign to censor an NBC program which included films of a lunch counter sit-in demonstration in Jackson. The overall thrust of the license challenge was that WLBT did not serve the black community of Jackson and that it did not fairly cover both sides of the civil rights struggle.[41] (For full discussion of the challenge, see chapter 4.)

Not only was pressure being brought against a southern station, but efforts to increase the coverage of blacks on television were emerging in the North. The New York Ethical Culture Society conducted a monitoring study to determine the frequency of appearance of blacks on television on the three network stations of New York City. One highlight:

> If one viewed television in April 1964 for 5 hours, on any channel at any time, he would have seen about three Negroes, two of them for less than a minute and one for a longer period. In only one-fifth of the appearances of the Negro does he receive exposure for more than three minutes.[42]

In concluding its report, the Ethical Culture Society urged the networks to improve their portrayal of blacks:

> The most modern and powerful communications medium should look to the future, not the past, in changing its patterns of Negro appearance.[43]

However, network news continued to concentrate on those elements of the struggle which provided the most dramatic pictures, such as the riots of the long, hot summers. This coverage was severely criticized by the National Advisory Commission on Civil Disorders (the Kerner Commission) as superficial and biased:

> Our. . .fundamental criticism is that the news media have failed to analyze and report adequately on racial problems in the United States and, as a related matter, to meet the Negro's legitimate expectations in journalism. By and large, news organizations have failed to communicate to both their black and white audiences a sense of the problems America faces and the sources of potential solutions. The media report and write from the standpoint of a white man's world. The ills of the ghetto, the difficulties of life there, the Negro's burning sense of grievance are seldom conveyed.[44]

While the Kerner Commission was preparing its report, it convened a meeting of media executives. CBS News President Richard Salant subsequently produced the seven-part series, "Of Black America." Hosted by Bill Cosby, the series was broadcast in the summer of 1968. The first installment, "Black History: Lost, Stolen or Strayed," focused on the way blacks had been ignored or stereotyped in history books, in movies, and on the stage.[45] As an example of ways in which blacks were portrayed in motion picture newsreels, Cosby showed two news stories. One had featured blacks in a watermelon-eating contest and the other showed black youngsters serving as targets for white softball throwers at a county fair. The series was the first of its kind to explore in a serious manner the extent to which blacks had been ignored or degraded by white America, but CBS was criticized for employing few blacks in the planning and production of the series.[46]

Tokenism in Television

According to Barnouw, "the changing climate of 1963" brought limited changes to the "lily white world" of television. One or two blacks were included in crowd scenes, Ossie Davis was featured in "The Defenders," and blacks appeared occasionally on medical shows as doctors and nurses. "Mr. Novak" and "East Side/West Side" sometimes used stories about blacks.[47] In her study of blacks on television, Marilyn Diane Fife reports that Ossie Davis was featured regularly on "Car 54, Where Are You?" because the series' originator, Nate Aiken, was striving for a more realistic portrayal of the New York City police force and that to do so a black had to be included.[48]

[41] Pember, *The Broadcaster and the Public Interest: A Proposal to Replace an Unfaithful Servant*, 4 Loyola L. Rev. 97–98 (1971).
[42] Regina Loewenstein, Lawrence Plotkin, and Douglas Pugh, "The Frequency of Appearances of Negroes on Television," New York Society for Ethical Culture, Committee on Integration, November 1964, p. 4.
[43] Ibid., p. 8.
[44] *Report of the National Advisory Commission on Civil Disorders*, Otto Kerner, Chairman (New York: Bantam Books, 1968), p. 366.
[45] Small, *To Kill a Messenger*, pp. 50–51.
[46] Ibid., p. 55.
[47] Barnouw, *The Image Empire*, p. 223.
[48] Fife, "Black Image in American TV," p. 12.

In the fall of 1968 Diahann Carroll starred in "Julia," which proved to be the surprise hit of the 1968–69 season. The previous January NBC had rejected the pilot for the series. In February when the network's programming executives were preparing the fall schedule, they were faced with a half hour to fill opposite CBS's popular "The Red Skelton Show." Believing that any of their potential choices would fail to be a match against Skelton, Paul Klein of NBC's audience research department argued that selecting "Julia" to fill the empty time slot would accomplish something of social value. Les Brown describes Klein's argument:

> *Julia,* he argued, might be saccharine but it had racial importance at a time when television was under heavy criticism as a lily-white medium. With Diahann Carroll in the lead, it would be the first situation comedy since the opprobrious *Amos 'n' Andy* to be built around a black person. Among other virtues it would bespeak newness in a new season.[49]

Ironically, the program was a rating success, but its social value as a response to the racial strife of the late 1960s was questionable. In her history of black images on American television, Marilyn Fife argues that "Julia" had little redeeming social value:

> Giving the entire series the benefit of the doubt, there was nothing malicious about "Julia." It was simply another bit of fluffy TV viewing, more in the tradition of Doris Day than Ralph Bunche. Unfortunately, it [made its debut] at a time when civil disturbance was running high in black communities, and it was not the kind of thing that appeased militant minds. It was not what blacks visualized when the Kerner Commission called for more positive black images in the media. "Julia's" main failings were based on what it omitted, and its basic approach to the presentation of black family life in the U.S.A. Though it had some gentle "kidding" jokes between Julia and her white associates, it didn't recognize the facts of black-white communication problems: everyone in the show operated on a fairly one-dimensional basis that excluded black identity.[50]

Commercials

The main objective of the networks and their affiliates is to attract the largest possible audience to a program and to its adjacent commercial messages. Ratings successes, like "Julia," are the profitable components of a network's schedule, which yield the largest advertising revenues. By the 1960s the advertisers no longer sponsored complete programs, as they had during television's first decade. Access to the networks' national audiences was bought by the minute at a given cost per thousand viewers. The more popular the program, the more the networks and stations could charge for the advertising time they sold. As Les Brown has put it, "The function of the television program is to make the commercial breaks valuable."[51] These breaks constitute 8 minutes out of every broadcast hour, 6 minutes for network advertisers and a little less than 2 minutes for local advertisers.[52]

In late 1970 cigarette advertising was banned from television, leaving the networks with only 60 percent of their commercial minutes sold to advertisers.[53] Whereas in the past advertisers were clamoring to buy time, suddenly the networks were faced with a buyer's market. Led by CBS, they began to sell time by the half minute and to lower their rates. One immediate result was to increase the number of advertiser pitches to which the viewer was subjected.[54]

It has been estimated that the average viewer sees about 300 commercials per day.[55] To capture the viewer's attention, the advertising agency creates a campaign which will identify the product in the viewer's mind and persuade her or him to purchase it. Among the devices used to create product identity have been catchy slogans such as National Airlines' "Fly Me" and cartoon characters such as Frito-Lay's "Frito Bandito."

The Frito Bandito

The Frito-Lay campaign was launched in 1967. It was built around the "Frito Bandito" who was a reincarnation of the Hollywoood film stereotype of Mexicans: he had a Spanish accent, a long handlebar mustache, a huge sombrero, a white suit tightly covering a pot belly, and he used a pair of six-shooters to steal corn chips from unsuspecting victims. The Bandito sold a lot of corn chips, but he also resurrected the image of the Mexican bandit, one of many negative Mexican stereotypes offensive

[49] Brown, *Televi$ion,* p. 79.
[50] Fife, "Black Image in American TV," p. 13.
[51] Brown, *Televi$ion,* p. 66.
[52] Ibid., p. 65.
[53] Martin Mayer, *About Television* (New York: Harper & Row, 1972), p. 60.
[54] Brown, *Televi$ion,* p. 349.
[55] Sydney W. Head, *Broadcasting in America,* 2d ed. (New York: Houghton Mifflin Co., 1972), p. 247.

to the Chicano community. The Mexican American Anti-Defamation Committee called the campaign "probably the most subtle and insidious of such racist commercials."[56]

Numerous protests called for banning the Bandito from the air, but 4 years later, in 1971, the campaign was still running. William Raspberry, a *Washington Post* columnist, devoted two columns to ethnic stereotypes in commercials in general and to the Frito Bandito in particular:

> The point is that ethnic stereotypes, bad enough no matter whom they depict, are intolerable when they pick on people who are daily victims of American racism.
>
> And if the point had escaped those who created the Frito Bandito ads, the complaints from Mexican Americans have removed whatever innocence there may have been.[57]

Respondents to Raspberry's column wondered why the protesting Mexican groups couldn't take a joke. After all, the Frito Bandito was a cute and harmless character. Raspberry devoted a second column to the issue of ethnic jokes:

> The mistake is too often made that ethnic jokes are essentially innocent because they amount to nothing more than commentaries on ethnic idiosyncrasies. . . .
>
> . . .When you show that you believe the stereotype to the degree that you make it tough for a man to get a decent job or home or education, don't expect him to laugh at your jokes based on the stereotype.[58]

The Frito Bandito advertising campaign was discontinued in September 1971 in response to criticism from Mexican American groups. Frito-Lay noted, however, that in surveys done by outside professional research organizations in five major cities with heavy Mexican American populations, the Frito Bandito was liked by more than 90 percent of the Mexican American respondents. The company does not plan to use the Bandito character in future ads.[59]

Sexism in Television Commercials

Sexist stereotypes have permeated television commercials throughout the history of the medium. In 1972 the National Organization for Women (NOW) monitored commercials appearing on WABC-TV in New York City. In an article which reported the findings, NOW members Judith Hennessee and Joan Nicholson reported that the group had monitored 1,241 commercials and had concluded that women played two roles in these ads—either as sex objects or as homemaker-mothers. Regardless of the role, NOW members concluded that women were portrayed as dependent, unintelligent, submissive creatures who were adjuncts of men.[60]

The epitome of the sex object stereotype was National Airlines' "Fly Me" campaign which began in 1971 and featured attractive young women who issued invitations like "I'm Cheryl. Fly Me." The campaign sometimes used men, such as a cargo manager—"I'm Foxy. Ship Me"—but most of the ads featured women. A spokesman for the advertising agency that created the campaign noted this was done because ". . .girls *are* the product. Ninety percent of a passenger's time is spent with the stewardess."[61]

The campaign received an instantaneous negative response from several quarters. The Office of Consumer Affairs of the Civil Aeronautics Board received more complaints about this ad than about any other aspect of the airline's operations. The Association of Flight Attendants threatened a "spontaneous lack of enthusiasm" unless National withdrew its ads and the National Organization for Women complained to the National Association of Broadcasters.[62] These complaints did not achieve their intended results, however, because the campaign was a huge commercial success.[63] National enjoyed a 19 percent increase in passenger growth in 1972.[64]

The "Fly Me" commercials were imitated by Continental Airlines early in 1974 when it launched a

[56] William Raspberry, "How About Frito Amigo?" *Washington Post*, June 2, 1971, p. A19.
[57] Ibid.
[58] William Raspberry, "Who's the Real Bandito?" *Washington Post*, June 7, 1971, p. A23.
[59] John R. McCarty, vice president for public relations, Frito-Lay, Inc., letter to U.S. Commission on Civil Rights, Mar. 2, 1977.
[60] Judith Adler Hennessee and Joan Nicholson, "N.O.W. says: TV Commercials Insult Women," *New York Times Magazine*, May 28, 1972, pp. 12–13.
[61] "National on the Offensive," *Newsweek*, Nov. 15, 1971, p. 101.
[62] "Stewardesses Protest Sex-Sell Airline Ads," *Spokeswoman*, Aug. 15, 1974, pp. 2–3. This article also includes complaints about Continental Airlines' "We Really Move Our Tail For You" campaign.
[63] National successfully resisted two other protests—a complaint filed with the Equal Employment Opportunity Commission charging employment discrimination and a suit filed in Florida by the National Organization for Women. It terminated the "Fly Me" campaign in August 1976. Terence G. Connor, labor relations counsel, National Airlines, Inc., letter to U.S. Commission on Civil Rights, Mar. 25, 1977.
[64] Betty Liddick, "Tail Slogan Hits Bottom, Say Stewardesses," *Los Angeles Times*, Jan. 25, 1974, pt. IV, p. 1.

campaign around the theme "We Really Move Our Tail For You."[65] Continental denied that there was any sexual connotation in the slogan, issuing a statement to that effect:

> The phrase is not a confected one, but a part of the currency of American casual speech and is widely used, enjoying a kind of jocular extension to "Shake a leg" or "Get a Move on." It is in no way erotic or prurient, but merely the peppery phrasing of people on the job.[66]

Continental stewardesses thought differently, however. Citing rejoinders supplied to them by the airline—if a passenger asks, "Will you move your tail for me?" the stewardess could reply, "Why, is it in the way?" or "You bet your ass."—flight attendants argued that the campaign had obvious sexual connotations. One stewardess who had been with Continental for 12 years said:

> Obviously, those are not quips a man would say to another man. They're not something a passenger would say to a ticket agent or sky cap. They're designed for hostesses.[67]

The National Advertising Review Board (NARB) responded to complaints about stereotyped portrayals of women in television commercials by conducting a study of the problem.[68] Their report concluded: "The problem is real. To deny that a problem exists, in fact, is to deny the effectiveness of advertising."[69]

The report focused on four portrayal categories: women as homemakers, employed women, women as sex objects, and minority women. Regarding the portrayal of women as homemakers, the panel concluded:

> It has long been a standard comedy device in the field of entertainment to portray some men and women as stupid. Advertising, in attempting to adapt entertainment techniques, sometimes falls into the trap of attempting to be funny but succeeding only in offending. It is especially true that in the advertising of household products, women too often are portrayed as stupid—too dumb to cope with familiar everyday chores, unless instructed by children, or by a man, or assisted by a supernatural male symbol. . . .
>
> . . .The advertising of household products often involves psychologically unflattering portrayals of women. In some instances, they are depicted as obsessed with cleanliness, as being embarrassed or feeling inadequate or guilty because of various forms of household dirt. Other advertisements show women being mean or catty to each other or being envious or boastful about cooking or cleaning accomplishments in the home.[70]

Portrayals of women in occupational roles were infrequent and restricted to relatively few occupations, such as secretaries and stewardesses. Women were rarely depicted as professionals or as working wives, the NARB reported.

Regarding the portrayal of women as sex objects, the panel noted:

> Compared to a vibrant living person with a variety of interests, talents, and normal human characteristics, the woman portrayed as a sex object is like a mannikin, with only the outer shell of a body, however beautiful.
>
> Many women have stated their resentment at the use of the female body as a mere decoration or as an attention-getting device in advertising. They feel that such advertising diminishes their own sense of worth, that it ignores and negates other facets of their mind and spirit, and that it belittles women's other attributes and accomplishments.[71]

The NARB reported that minority women fare no better—and perhaps no worse than white women—in the ways in which they appear in television advertising:

> When not shown as sex objects or as older women in unattractive roles, black women are frequently seen in the usual supportive roles of housewife, secretary, or nurse.[72]

The panel unanimously concluded that the portrayal of women was not only unfair, inaccurate, and out of date, but that it was also bad marketing:

[65] Ibid.
[66] Continental Airlines, Response to Public Objections to Advertising Theme "We Really Move Our Tail For You."
[67] Liddick, "Tail Slogan Hits Bottom," p. 1.
[68] "Advertising and Women, A Report on Advertising Portraying or Directed To Women," Prepared by a Consultative Panel of the National Advertising Review Board, March 1975. The National Advertising Review Board was estblished in 1971 by the American Advertising Federation, the American Association of Advertising Agencies, the Association of National Advertisers, and the Council of Better Business Bureaus. In addition to reviewing advertising for truth and accuracy, the board also considers tastefulness and social responsibility.
[69] Ibid., p. 1.
[70] Ibid., pp. 11-12.
[71] Ibid., p. 12.
[72] Ibid., p. 13.

For many advertisers, however, the most telling argument may lie in the area of advertising effectiveness. When all the evidence is summed up, it would appear that it is not just a lack of manners or a lack of social responsibility, but actually a counterproductive business practice to try to sell a product to someone who feels insulted by the product's advertising.[73]

Ratings

In the television business, the most select audience (the one the advertiser pays premium prices to reach) is composed of individuals aged 18 to 49 who have the greatest buying power in America.[74] Advertisers of consumer products with wide appeal seek the largest possible audience when they buy time on the networks. Those who want to reach a particular segment of the audience characterized by age buy time on programs which are likely to be viewed by members of that age group. The best example of this principle is advertising directed toward children. Manufacturers of children's toys, candy, and cereal buy time on Saturday mornings in order to reach the children's audience with maximum cost effectiveness.

The A.C. Nielsen Company, a marketing research organization, gathers data on the size and composition of the television audience. Stations, networks, and advertisers use this rating service to determine the price of time bought and sold in the television marketplace. The size of the audience for a particular program—whether it originates at the network or on the local level—is described in terms of "ratings" and "shares." A program's "rating" represents the percentage of households tuned to a particular program based on the total potential viewing audience. A program's "share" reflects the percentage of households tuned to a particular program based on the number of sets which are in use at the time. At any given time during the broadcast day, less than 100 percent of the total potential audience is watching television. Even during prime time—from 8 to 11 p.m.—when television audiences are the largest, only 63.2 percent of the Nation's television households are tuned in.[75] In 1974, when "All in the Family" was the top-rated show on television, it attracted an average rating of 32 percent of the Nation's TV households. Fifty-two percent of those watching television at the time were tuned to "All in the Family." Thus, its share was over half the audience.[76]

The Nielsen Company attaches meters to the television sets in a representative national sample of 1,200 homes in order to measure the audience for network programs. In addition, a national sample of 2,200 households is selected to fill out weekly "diaries" which describe the viewing behavior of all the household's members.[77] These data provide demographic information about the composition of the national audience, enabling the Nielsen Company to project the viewing behavior of the 69.6 million television households in the United States.[78]

The Nielsen Company and the American Research Bureau (the second major rating service) have also developed a method for measuring the audiences of individual television stations. Estimates are made of the total potential audience of the stations in a given geographical area, or "market." Samples of households in these markets are requested to complete diaries of their viewing behavior. The individual station's performance in attracting viewers is measured by these local market diaries and determines the rates a station can demand for advertising time.

There are 208 television markets which constitute the total national viewing audience. Television markets are ranked from the largest to the smallest. New York is the largest market with over 6 million television households. Its viewers are served by eight commercial stations and seven public stations.[79] In contrast, Miles City, Montana, is the smallest market in the Nation with 8,600 households and it is served by two commercial stations.[80] The top 50 markets account for 67.4 percent of all television households in the country.[81]

Nielsen ratings reflect program popularity, but if a program appeals primarily to a commercially undesirable segment of the audience, it is likely to go off the air. Such was the case with "Gunsmoke" whose greatest appeal was to older viewers. Although it had been a popular program for 22 years and was still rated among the top 25 programs, it was cancelled in 1975 because older viewers,[82] who do not have the

[73] Ibid., p. 2.
[74] "Why is TV So Bad?" *Newsweek*, Feb. 16, 1976, p. 72.
[75] *Broadcasting Yearbook 1976*, p. C-300.
[76] A.C. Nielsen Co., *The Television Audience 1974*, p. 45.
[77] For a more thorough discussion of rating services, see Brown, *Televi\$ion*, pp. 32-35.
[78] *Broadcasting Yearbook 1976*, p. C-300.
[79] Ibid., p. B-50.
[80] Ibid., p. B-46.
[81] *Broadcasting Yearbook 1975*, p. B-81.
[82] "Why is TV So Bad?" p. 73.

buying power of those aged 18 to 49, constituted its primary audience.[83]

Minorities have faced a somewhat different problem. Until recently, they had not been counted as a distinct portion of the audience. It was assumed that it was sufficient merely to include blacks and other minorities as a part of the larger audience of white viewers. Because blacks were not perceived as being a profitable audience in their own right, it didn't seem to matter that their program preferences might differ from those of whites.[84] Further, blacks and other minorities living in low-income neighborhoods were indequately represented in the audience surveys.

The underrepresentation was due to inherent biases in the sampling techniques which were used. Reliance on telephone surveys, for example, automatically excludes those homes without telephones as well as those homes with unlisted phone numbers. Black households were underrepresented in these samples because there are proportionately fewer black households with telephones and proportionately more unlisted numbers in comparison with white households.[85] Another factor that affected underrepresentation of nonwhites was that in lower socioeconomic areas, which also have high concentrations of minorities, the diary response rate was lower than that from households outside these areas.[86]

The underrepresentation of blacks and other minorities in the Nielsen sample did not become an issue in the broadcast industry until the late 1960s. By then, there was growing interest on the part of advertisers and broadcasters alike in measuring the nonwhite audience. Stations in cities with high proportions of nonwhite viewers began producing minority-oriented programming. They were unsuccessful in obtaining advertising support, however, because they were obtaining unusually low ratings for their programs. In addition, the producers of "Sesame Street," which was designed to reach low-income black children, wanted to know how many children in their target audience were actually watching. These audience research needs, combined with changing perceptions of nonwhites as consumers, created the financial incentives to entice the Nielsen Company and Arbitron to rectify the sampling biases which affected measurements of the nonwhite audience.[87] To rectify the underrepresentation problem, the Nielsen Company now "oversamples" black households and has also improved its telephone sampling procedures. To generate a higher response rate from Spanish-speaking households, Nielsen uses Spanish-speaking interviewers and Spanish-language diaries.[88]

Recent analyses of the nonwhite audience's viewing behavior reveal differences in the amount of time whites and nonwhites spend watching television as well as in their program preferences. According to the A.C. Nielsen Company, nonwhites represent 11 percent of the total number of television households and 12.3 percent of all viewers. In 1974, viewers in nonwhite households watched 52.1 hours of television a week, 16 percent more than their white counterparts.[89] Further, an Arbitron study reported that nonwhite women, television's most ardent viewers, averaged over 26 hours of viewing per week, 14 percent more than white women.[90]

In terms of program preferences, the Nielsen analysis revealed that in October and November of 1974 the top-rated shows in white and nonwhite households were different. Among the highest rated network series in nonwhite households were those starring or featuring black actors. These included "Good Times," "Sanford and Son," "That's My Mama," and "Get Christie Love." "Chico and the Man," which had a Latino leading role, ranked fifth. In contrast, the top rated shows in white households that year were "All in the Family," "Sanford and Son," "The Waltons," "Chico and the Man," and "M*A*S*H."[91]

PROGRAMMING IN THE 1970s

Throughout the 1960s, CBS's prime time schedule had a rural flavor provided by situation comedies and variety shows with bucolic settings, characters, and themes. "The Beverly Hillbillies," which premiered in 1962, featured a family from the Ozarks who had struck it rich and moved to Beverly Hills with their "country" ways sticking out like a sore thumb. "Andy Griffith," "Gomer Pyle," "Green Acres,"

[83] For a more thorough discussion of the importance of age as a viewer-consumer characteristic, see Brown, *Televi$ion*, pp. 285–87.
[84] Ibid., p. 60.
[85] A.C. Nielsen Company, "NSI Ethnic Procedures: A Better Way," 1976, p. 1.
[86] Ibid.
[87] Brown, *Televi$ion*, pp. 60–61.
[88] "NSI Ethnic Procedures," p. 1.
[89] Les Brown, "Nielsen Finds Nonwhite Homes Spending 16% More Time at TV," *New York Times*, Sept. 30, 1975, p. 75.
[90] "Arbitron Says Blacks and Women Watch the Most TV," *Broadcasting*, Oct. 18, 1976, p. 42.
[91] "Nonwhite Homes Spending 16% More Time at TV," p. 75.

"Petticoat Junction," "Mayberry RFD," "Hee Haw," "The Glen Campbell Good Time Hour," and a host of others made rural comedy a highly popular format throughout the 1960s.

In 1970 CBS was faced with stiff competition from NBC, which had always trailed CBS in capturing the largest audience but had been more successful in reaching the 18- to 49-year-old urban viewers with programs neither distinctly urban nor rural such as "Kraft Music Hall." CBS programmers began to realize that their bucolic comedies which attracted primarily older and rural audiences would have to go. The accent on youth, which was pervasive at the start of the 1970s, made its 1960s programming lineup less profitable. Consequently, CBS began to insert a number of "relevant" dramas into its schedule.[92]

Programs which marked the new trend in relevant melodrama included "The Senator," "The Interns," "Storefront Lawyers," "The Man and the City," "The Young Rebels," and "The Young Lawyers." One aspect of these shows which was supposed to make them relevant was the inclusion of young blacks and women as major characters, who joined white males in confronting the problems of city life.

"Mod Squad," the first relevancy melodrama, premiered on ABC in 1968. Having proved itself for 2 years, it served as the model for all the others. Its three major characters—young plainclothes cops—were played by a white woman, Peggy Lipton, a black man, Clarence Williams III, and a white man, Michael Cole. "Mod Squad's" premise was that young, "hip" cops would work outside the system while preserving the establishment's concept of law and order. Leonard Freeman imitated the "Mod Squad" formula for CBS in his series "Storefront Lawyers," which featured idealistic youths who use their legal skills to help the city's down-trodden citizens. Freeman described the series: "The lawyers are trying to change society and make it better, but within the rules."[93]

With the exception of "Mod Squad," all these programs failed, not only in the ratings, but, according to critics, in their basic premise as well. Les Brown, in a ringing indictment of this genre, argues that these programs created a false aura of relevance:

> Ideological types, as they were depicted in TV shows, had little resemblance beyond the external trappings to their objective counterparts in the real world. The psychopath looked like a hippie but was not in any philosophical sense a hippie. Yet the message was: beware the hippie, within lives a psychopath.[94]

Further, Brown argues that the militants, the draft evaders, the bigots, and the drug users around whom the stories revolved, were not portrayed realistically:

> . . .militants were not angry revolutionaries but paranoiacs or agents of hostile countries; draft evaders, not really opponents of the war but neurotics rejecting their fathers in return for having been rejected by them; bigots, not true haters but merely persons who lived too long in isolation from other races; drug users, not the disenchanted but victims of ghoulish weirdos and organized crime. Television faced the gut issues with false characters, and instead of shedding light on the ailments of the social system and the divisions within it the playlets diverted the questions and fudged the answers.[95]

Finally, Brown questioned their motives:

> For all their genuflections toward social awareness, the networks' intent was not so much to involve themselves with the real issues of the day as patently to exploit them for purposes of delivering up to advertisers more of the young consumers than before, without alienating the older habitues of the medium.[96]

These programs did not draw viewers. Their ratings hovered among the ranks of television's least watched shows.[97] Instead, the audience turned to two of television's most popular formats: the family situation comedy and police-detective stories. Producers had imitated "Mod Squad," thinking that they could repeat its successful formula in their own series. In this case, Brown suggests that they imitated the wrong formula. "Mod Squad's" success lay not in its relevance, he argues, but in the fact that it was a law and order show in which the hip cops were upholding the system rather than opposing it.[98]

The Program Development Process

Repetition of the tried and true, which has always characterized network programming decisions, is far

[92] Brown, *Televi$ion*, p. 29.
[93] Ibid., p. 264.
[94] Ibid., pp. 307–08.
[95] Ibid., p. 308.
[96] Ibid., p. 309.
[97] Ibid., p. 304.
[98] Ibid., p. 310.

less risky than innovation. Developing new series is a costly and involved undertaking. Production companies prepare hundreds of story outlines, each of which costs the networks about $1,500. Each network selects about 500 outlines for development into scripts for which it will pay from $3,500 to $5,000 each. The scripts which pass muster at this stage of review are then further refined and developed at a cost to the networks of about $10,000 to $15,000 per script. Finally, the networks order pilots from which they choose the new series for the coming season. Les Brown estimates that series development costs in 1970 amounted to $300,000 for each half hour pilot, twice that for an hour.[99] In 1974 approximately 100 pilots were ordered by the networks for which they committed $25 to $30 million.[100] In the end, very few pilots actually make it into a network's program schedule.

When a network commits itself to a series, 12 or 13 episodes are ordered. The decision to continue a series is determined by the program's ratings. Unpopular shows may be cancelled even before the initial 13 episodes are aired. Sander Vanocur reported that the networks are so caught up in the ratings race, that programs which didn't catch on within the first 4 or 5 weeks of the 1976–77 season would be cancelled. He also reported that Lee Rich, producer of "The Waltons," had received word from the networks to get pilots ready, not for a second season in January, but for October and November.[101]

The track record of a production house in providing successful shows keeps the networks coming back for more. Consequently, program production tends to be limited to a small group of production companies—23 companies sold 42 series to the networks for the fall 1976–77 season. Three companies—Universal Television, Norman Lear's T.A.T. Productions and Tandem Productions, and MTM (Mary Tyler Moore)—produced 27, more than half. Six others, such as Quinn Martin, Paramount, and Columbia produced two to four series each; 14 of the 23 production companies produced only one series each.[102]

The networks' decisions to contract their programs from relatively few production companies tends to perpetuate the use of the "tried and true" and to discourage innovation. As Brown puts it:

> Year after year the same minds are picked for ideas, the same creative spirits milked for inspiration. New writing and production talent filters into the system at a slow rate, usually through spot assignments in individual episodes for series, and in time they, too, fall victim to TV's assembly-line requirements for its enormous consumption of programs, and also to its fail-safe conditions.[103]

Each production company seems to have its special genre. MTM and Norman Lear produce "realistic" situation comedies: "Rhoda," "Mary Tyler Moore," and "Phyllis" are among MTM's productions; and some of Norman Lear's productions are "All in the Family," "Good Times," "The Jeffersons," "Maude," and "One Day at a Time." Universal Television produces a variety of dramatic series: melodramas such as "Rich Man/Poor Man," action-adventure programs such as "The Rockford Files," "Kojak," "Emergency," and "Columbo," and the supernatural-escapist shows "Six Million Dollar Man" and "Bionic Woman."[104]

Each genre generally utilizes a formula. Action-adventure shows often rely on the formula, "Crime Doesn't Pay." Situation comedies are typified by the formula, "Any Problem can be Solved, by Luck or by Someone Else." The television formula implies a set of prescribed behaviors which characters use to solve problems or resolve conflict. Because of television's need to do this in 26 minutes, or in 52, formulas reduce that which is inherently complex to a few basic elements.[105]

Once the appealing formulas are discovered, television repeats them *ad nauseum.* In most cases, a successful television series has provided the original for countless carbon copies. Sometimes movies, novels, and comic strips with proven mass appeal have served as models for television programs. In their efforts to achieve success in the ratings race, the networks are inveterate copycats. Their unwillingness to take costly risks leads them to seek from the production companies imitations of successful formulas. While they are willing to experiment with

[99] Ibid., pp. 131–32. These costs are based on 1970 figures and thus do not take inflation into account.
[100] "Many Pilots are Called, But Few are Chosen," *Broadcasting,* Mar. 4, 1974, p. 18.
[101] Sander Vanocur, "Doing the Network Shuffle," *Washington Post,* May 9, 1976, pp. K1–K2.
[102] "$500 Million-Plus Price Tag Goes on 1976–77's Prime Time," *Broadcasting,* Apr. 26, 1976, p. 28.
[103] Brown, *Televi$ion,* p. 133.
[104] "$500 Million-Plus Tag," p. 28.
[105] Robert C. O'Hara, *Media for the Millions* (New York: Random House, 1961), pp. 140–49.

slight variations, they are reluctant to try anything totally different.

Women as Cops

Formulas reflect the social values of the dominant culture and through constant repetition reinforce the status quo. Because of television's unwillingness to experiment, there is always a lag in its depiction of changes in the social climate.[106] Leonard Gross, in his article "Why Can't a Woman Be More Like a Man?" explored network reluctance to buy series which reflect the changing status of women in the early 1970s:

> Why are there no dramatic heroines in prime time? The men who manage television invariably tell you that their medium does not fashion the times, it merely reflects them. Why, then, in the time of women's liberation, doesn't television reflect an issue that pervades America's politics and press? Is there a network bias against women?[107]

Gross answers his question by relating two instances in which the networks refused to buy dramatic shows with female leads. In 1972 a proposal for a dramatic series featuring a nurse was submitted to CBS by Lee Rich. Gross quotes the network official who rejected it: "Who wants to see a prime-time series about a woman?"[108] In 1973 Aaron Spelling developed a made-for-television movie for ABC which he hoped would serve as the pilot for a new series. The film, called *The Bait,* had an action-adventure format. It did very well in the ratings, critics liked it, and so did rival producers. ABC did not buy it, presumably because the series lead was a police *woman.* Spelling argued that ABC's refusal to buy *The Bait* as a series was "part of that unbroken pattern in which they [the networks] say that dramatic shows with women don't succeed. It will be unbroken until somebody takes a chance at it."[109]

In 1974 the networks were ready to take the chance. NBC bought "Policewoman" and ABC bought "Get Christie Love." Both Pepper Anderson, played by Angie Dickinson, and Christie Love, played by Teresa Graves, were supposed to be the equals of the men with whom they interacted, while retaining their "feminine" wiles. In an interview about "Policewoman," Dickinson described Pepper's character:

> As far as I'm concerned, this character is a sensible, good-looking girl with a sense of humor. She is attractive to men and appealing to women and she uses her sensuality to outsmart criminals. The shows will be meaningful drama. It's really the story of a woman who can stand up to men without being resented by them.[110]

In an interview about the pilot for "Get Christie Love," the executive producer described his plans for the series:

> In the pilot Christie fends off six guys in a situation that's totally unbelievable. . . .In the series there will be plenty of action, but we will resort to karate only in realistic situations; what I am not taking out is the irrepressible personality of Christie. She loves to have a good time and she has a great sense of humor. We are retaining the phrase, "You're under arrest, sugar," and we'll use it a lot.[111]

Both programs attempted to reduce the risks involved in innovation. "Policewoman" and "Get Christie Love" were slight variations of a successful genre—the law enforcement show—and of a proven formula—crime doesn't pay. Moreover, the slight variation—the leading roles were played by a white woman and a black woman rather than men—was made palatable by emphasizing the femininity of the cops.

"Get Christie Love" did not last beyond the first season. Richard Pinkham of the Ted Bates Advertising Agency predicted a short life for her: "The black woman heroine may be O.K. for urban movie audiences but it won't play in Heartland, U.S.A."[112]

Blacks as Detectives

In 1973 the networks introduced black males as series leads using the same genre and formula. Their vechicles were "Shaft" and "Tenafly" which featured detectives who operated primarily in a white world using their wits to outsmart clean-cut, white-collar criminals.

"Shaft" was based on the movie of the same name. In the television version, which was directed to a predominantly white audience, much of the essence

[106] Ibid., p. 140.
[107] Leonard Gross, "Why Can't a Woman Be More Like a Man?" *TV Guide,* Aug. 11, 1973, p. 16.
[108] Ibid., p. 7.
[109] Ibid., p. 6.
[110] Sue Cameron, "Police Drama: Women Are on the Case," *Ms.,* October 1974, p. 104.
[111] Ibid., p. 108.
[112] Joel Dreyfuss, "Blacks and Television, Part I: Television Controversy: Covering the Black Experience," *Washington Post,* Sept. 1, 1974, p. K5.

of the film character was removed. Donald Bogle, a student of blacks in film, described the whitewashing of television's "Shaft":

> It's like they poured a bottle of Listerine over him. In the first "Shaft" movie his walking down the street in his leather coat was very authentic, sexual, even funky. On television his sensuality has been taken away from him.[113]

Joel Dreyfuss, in Part I of a series of articles on "Blacks and Television," described one network program executive's rationale for the whitewash:

> . . .[M]any of the "Shaft" features, the violence, the ghetto characters, pimps, hustlers, and prostitutes, simply were not transferrable to a television program—black or white.[114]

Dreyfuss dismisses this argument by recalling the frequency with which pimps, hustlers, and prostitutes appear on "Hawaii Five-0," "Kojak," and every crime show. The executive's second argument was that the all-black setting of the film had to be changed for the predominantly white audience: "Our responsibility is to provide entertainment for a broad spectrum of people."[115]

Women and black leading characters could be inserted into the white man's world of television drama as long as they did not usurp his power. As a result, the female cop would still be saved by her male superiors, and her feminine guile, beauty, and sense of humor would be her sources of strength. To avoid black usurpation of the white man's power, "Shaft" and "Tenafly" would be emasculated and whitewashed. Despite or perhaps because of the whitewashing, neither "Shaft" or "Tenafly" lasted beyond their first season.

The Spinoffs

The spinoff phenomenon is one of the latest techniques the networks have used to stay on top in the ratings race. Spinoffs are created by building new series around the secondary characters of previously successful programs. The spinoff phenomenon was first used in 1960 when "Pete and Gladys" was developed from "December Bride." The technique has been used with frequent success in the 1970s. Thus, "All in the Family," based on a popular British situation comedy, begat "Maude" and "The Jeffersons." Subsequently, "Maude" begat "Good Times." "Sanford and Son," another imitation of a British comedy series, spawned "Grady." "Rhoda" and "Phyllis" sprang from "The Mary Tyler Moore Show." Based on the film *American Graffiti*, "Happy Days" generated "Laverne and Shirley," and "The Six Million Dollar Man" provided the formula for the creation of "Bionic Woman."

Joseph Dominick, in a study of the spinoff programs, notes that they combine four elements which have proven successful in the creation of rating hits:

> The spinoff uses an already proven star, a company with a good track record, a format which will be partly familiar, and above all, the spin off, since it airs its pilot during the original series, has wide initial exposure thanks to the popularity of the parent series.[116]

The creation of "Maude" illustrates this point. Beatrice Arthur first played Cousin Maude in one episode of "All in the Family." The character was popular and a series was subsequently developed. The pilot for "Maude" was the last episode of "All in the Family" to be run in 1972. Thus, "Maude" was given wide initial exposure.

Spinoffs minimize the costs and risks involved in program development. The production costs associated with pilot production can be absorbed by the original series. Moreover, the risks inherent in creating a new series are minimized by the use of established characters.[117]

"Realism" in Situation Comedy

Norman Lear, who has produced several spinoffs—"Maude," "The Jeffersons," and "Good Times"—has also been instrumental in establishing a trend of realism in situation comedy. His technique has been to treat realistically—and humorously—controversial issues and contemporary social and personal problems.

The realistic situation comedies differ from those of the 1950s which featured a white, middle-class, suburban family whose wholesomeness and warmheartedness were a reassuring confirmation of American family life. "Make Room for Daddy," "Leave It To Beaver," and "Ozzie and Harriet" were typical of programs in which the husband-father always knew

[113] Ibid.
[114] Ibid.
[115] Ibid.
[116] Joseph Dominick, "All in the Family—Its Spin Offs and Imitators: A New Genre for Television?" Paper delivered at the annual convention of the Speech Communication Association, Houston, Tex., December 1975, p. 9.
[117] Ibid.

best and the homemaker-mother always supported him in their efforts to bring up the children well. Les Brown characterizes this portrayal of family life as "counterfeit" and argues that these programs avoided life's real problems:

> There is no death, no disease, no emotional illness, no sex anxiety, no real financial insecurity, no religious doubt, and no personal unfulfillment in TV's antiseptic households. . . .[118]

The situation comedies of the 1970s attempt to address these elements of life. "All in the Family" has treated such topics as compulsive gambling, menopause, breast cancer, aging, death, and rape. "Maude" has explored alcoholism, white liberalism, mental health, abortion, and changing sex roles. "Good Times" has dealt with venereal disease, hypertension, equal employment opportunity, and ghetto ripoffs.

Another characteristic of the new comedies is the diversity of characters who vary widely by race, social class, and marital style. "The Jeffersons," "Maude," and "Phyllis" feature upper-middle-class families, whereas "All in the Family" and "Good Times" are set in working-class households. "Sanford and Son" and "Chico and the Man" feature single men who work and live at a junkyard and garage, respectively.

"All in the Family," the pioneer in using the situation comedy as a format for the exploration of controversial issues, dealt most frequently in its initial stages with the racial and ethnic prejudice of its leading character, Archie Bunker. Archie was portrayed as a bigot whose racial or religious epithets were directed, indiscriminately, against anyone who was not a white, Anglo-Saxon Protestant.

Archie's favorite targets were his next-door neighbors, the Jeffersons, the first black family on the block. "Maude," particularly in the early days, was portrayed as a white liberal whose good intentions were most frequently visited upon her black maid, Florida. Archie's bigotry and Maude's liberalism were the perfect foils for the development of strong, black, supporting characters—Louise Jefferson and her son Lionel on "All in the Family" and Florida on "Maude"—who became leading characters in "The Jeffersons" and "Good Times."

[118] Brown, *Televi$ion*, p. 299.
[119] Laura Z. Hobson, "As I Listened to Archie Say 'Hebe'. . .," *New York Times*, Sept. 12, 1971, p. D1.

Critical response to the new realism has been mixed. Soon after "All in the Family" premiered, it received both rave reviews and biting indictments. Ambivalent response may have been due, in part, to the ambiguity of its central character. Archie was portrayed as a bigot, albeit a lovable one. Underneath his irascible exterior there lay a warm heart.

Laura Hobson, author of the novel on prejudice, *Gentlemen's Agreement*, criticized the lovableness of Archie's bigotry. She argued that bigotry by its very nature cannot be lovable and it is certainly not funny.[119] Regarding the nature of Archie's bigotry, Lear replied:

> Archie Bunker. . .[is] a bigot motivated not by hate, but by fear—fear of change, fear of anything he doesn't understand—he knows that Mike and Gloria will jump his every bigoted remark, which indeed they do, so he tries forever to sneak them by. . . .
>
> . . .[W]e mustn't expect Mike to convince Archie of anything. A liberal will not change the mind of a bigot that way, not on television and not in real life.[120]

Regarding the combination of lovableness and bigotry, Lear suggested that all of us have known at least one close relative or friend whom we have ". . .absolutely adored. . .[and] thought lovable, who one day shocked and surprised [us] with a flash of prejudice [we] never guessed was there."[121] He argued that Archie did not fit the stereotype of the thoroughly despicable bigot and that if he did, viewers would not identify with him. Portraying Archie as a lovable bigot allows viewers to see the prejudice which lurks within us all.

Other lovable bigots have been featured in the new comedies. Fred Sanford's prejudice against Puerto Ricans was directed against his neighbor, Julio Fuentes. George Jefferson's prejudice against whites was first directed against his neighbor, Archie, and later, on his own program, against his neighbor, Tom Willis.

Unlike its predecessors, the new situation comedy, led by "All in the Family," sometimes leaves its plots unresolved. In one episode, Gloria is raped and is confronted by the dilemma which many rape victims have faced: should she go to the police and risk being treated as a criminal herself or should she avoid such

[120] Norman Lear, "As I Read How Laura Saw Archie. . .," *New York Times*, Oct. 10, 1971, p. D17.
[121] Ibid., p. D30.

potential treatment and let the rapist go free? The episode leaves the viewer without a simple answer to this complex dilemma.

Opinions are mixed about the accuracy with which the black experience is portrayed on entertainment programs today. Donald Bogle has argued that the new comedies do not portray blacks realistically. His analysis is similar to Les Brown's view of the relevancy melodrama:

> The television industry protects itself by putting in a double consciousness. They take authentic issues in the black community and distort them. The humor is still that black people are "dumb nigger" types. . . .
>
> . . .Blacks are still not given credit for having insight. If good things happen to them, it's luck, like hitting the number. They still don't have control over their own destinies. The thing that we can ask of television is that black characters be funny and intelligent.[122]

Freedomways devoted a special issue to the topic of the black image in the mass media. In one article, "'Black' Shows for White Viewers," Eugenia Collier argues that the portrayal of blacks on television continues to be created by whites for whites:

> . . .[T]he presence of blacks on TV has not heralded social progress but has simply demonstrated that an innocuous image of the black community is comforting and entertaining to white viewers and therefore profitable to big money interests.[123]

The charge that black shows are written by whites to entertain whites has been echoed by Redd Foxx, the star of "Sanford and Son." In 1974 Foxx walked out on the show over a disagreement with its producers. During that controversy, Foxx, in an interview with *Ebony*, criticized the producers for acquiring too few scripts from black writers. Further, those few black scripts they did purchase were rewritten by whites. As a result, he said, the show reflected "white versions of black humor."[124] Foxx also thought that black directors should be used and that the show would benefit from their direction. In response, the producer stated that any material which either Foxx or costar Demond Wilson ". . .felt would be offensive to black viewers would be stricken from the scripts without question."[125]

Although Collier finds "Good Times" to be a positive portrayal of blacks, one of its major flaws is Florida's depiction as an unemployed homemaker:

> A very serious flaw is the fact that Florida apparently does not work. In this respect, she resembles more closely the middle class white housewife than the black woman, whose life style has traditionally revolved around the necessity to work and still maintain her home. Indeed, this necessity is part of her agony and part of her strength. Without it, Florida is diminished.[126]

In 1974 "That's My Mama" premiered on ABC. The series featured Clifton, a carefree 25-year-old bachelor who, nevertheless, was still tied to his mother's apron strings. Clifton owned a barber shop which was attached to the family home. Thus, his mother could easily keep track of his comings and goings. She wasn't always successful, however. The first episode featured a young black woman who was trying to con Clifton into believing that he had impregnated her after picking her up at a bar. Clifton was supposed to have had so much to drink that he didn't know what he was doing at the time or remember it later.

The National Black Feminist Organization (NBFO) objected to the demeaning portrayal of blacks during the 1974 season. Reminiscent of the NAACP's 1951 criticism of "Amos 'n' Andy," the NBFO listed the following objections to the way blacks are portrayed in prime time entertainment programs:

> 1. Black shows are slanted toward the ridiculous with no redeeming counter images;
>
> 2. Third World peoples are consistently cast in extremes;
>
> 3. When blacks are cast as professional people, the characters they portray generally lack professionalism and give the impression that black people are incapable and inferior in such positions;
>
> 4. When older persons are featured, black people are usually cast as shiftless derelicts or nonproductive individuals;

[122] Dreyfuss, "Blacks and Television, Part I," p. K5.
[123] Eugenia Collier, "'Black Shows' for White Viewers," *Freedomways*, vol. 14 (1974), p. 211.
[124] L. Robinson, "Redd Foxx," *Ebony*, June, 1974, p. 158.
[125] Ibid.
[126] Ibid., p. 215. (In the 1976–77 season, Florida is widowed and is portrayed as working outside the home.)

5. Few black women in TV programs are cast as professionals, paraprofessionals, or even working people;

6. Black children, by and large, have no worthy role models on television.[127]

Ethnic Situation Comedies

Situation comedies with an ethnic flavor mushroomed in the 1975–76 season. Characters portraying people of Irish, Italian, Puerto Rican, Mexican, Japanese, and Polish descent have been featured on such situation comedies as "Barney Miller," "Welcome Back, Kotter," "On The Rocks," "The Montefuscos," "Joe and Sons," "Chico and the Man," and "Popi."

The standard situation comedy format derives its humor from a situation, usually a trivial one, creating a problem which the characters try to resolve. In the ethnic comedies, the humor of the situations is often based on stereotypes associated with the characters' ethnicity.

In early episodes of "Chico and the Man," Chico was often told to "Go back to Mexico and take your flies with you" and the other characters in "On the Rocks" frequently complained about Fuentes' smelly, Puerto Rican toilet water.

Instead of realistically exploring issues related to the characters' ethnic backgrounds, as Norman Lear attempts to do, these comedies do not deal with controversial issues. "On The Rocks" was set in a minimum security prison. It could have explored the quality of the American penal system. Instead, it focused on inmate antics. John J. O'Connor, of the *New York Times*, has criticized this series' failure to address itself to meaningful issues regarding the reality of prison life:

> There is a certain comedy atrocity with roots deeply embedded in television. The trick is to reduce something that might be powerfully disturbing to a level of silly meaninglessness. . . .
>
> What is even more unsettling,. . .the script stresses that this particular "minimum security" prison, nestled in mid-America, is "not such a bad slammer." As inmates cavort "to beat the system" overseen by cream puff guards, the general atmosphere is threatening to neither prison population nor viewing audience.[128]

Similarly, "Welcome Back, Kotter," which is set in a Brooklyn high school, features students from a variety of ethnic backgrounds, all in need of remedial help. Series humor frequently revolves around the efforts of the "Sweathogs" to outsmart their teacher, to waste class time, and in other ways to try to beat the system. They usually get away with it.

In addition to humor based on ethnic stereotypes and the use of a wide variety of ethnic types, these series have another common thread: they rarely feature minority women. On "Barney Miller" six detectives of various ethnic backgrounds are featured; all are male. "Joe and Sons" and its replacement, "Popi," both depicted the life of a widower and his two sons; the former were Italians and the latter were Puerto Ricans. The prisoners and guards of "On The Rocks" were all male and most of the "Sweathogs" of "Welcome Back, Kotter" are male. The ethnic situation comedies, set in an all-male world, have excluded women except in secondary roles as wives, mothers, or lovers.

The Portrayal of Women in Situation Comedy

Several MTM productions have also attempted to do realistic situation comedy. These programs all feature women. "The Mary Tyler Moore Show," which premiered in 1970, was the first of this new wave of situation comedies. In contrast to most portrayals of single women in television, the series explored Mary's status as a single, professional woman who did not have marriage uppermost in her mind. Mary's best friend, Rhoda, was the character who was more interested in finding a man. Soon after her series spun off from the "Mary Tyler Moore Show" in 1974, "Rhoda" was married. Mary's other friend, Phyllis, is featured as a widow in a new series by that name which debuted in 1975.

When situation comedies have portrayed the formerly married, they most typically have been widowed. Single parent families were first popular in the late 1960s, but divorce was never the cause of the singleness. "Here's Lucy," with Lucille Ball, and "Julia," with Diahann Carroll, both featured widowed mothers.

Two series of the 1975–76 season—"Fay" and "One Day at a Time"—featured divorcees, characters who were until recently taboo as series leads in television comedy. These series, "Phyllis", and, in

[127] "NBFO Lists TV Complaints and Protests 'That's My Mama'," *Media Report to Women*, Dec. 1, 1974, p. 16.

[128] John J. O'Connor, "TV: ABC's 'On The Rocks,' Finds Fun in Prison," *New York Times*, Sept. 11, 1975, p. 80.

the 1976–77 season, "Rhoda," attempt to deal with a woman's problems in trying "to make a go" of being alone: relocating, getting a job, raising children, and developing new relationships with both sexes. "One Day at a Time" and "Phyllis" both explore the theme of parent-child (in these cases mother-daughter) communication.

Beginning with "I Love Lucy," women have always been far more frequently portrayed in comedy roles than in serious ones. In an article about the portrayal of women in the fall 1973 schedule, Gail Rock reports that 34 dramatic series starred men and none starred women.[129] Women starred only in situation comedies—in that year, four. In her analysis of the female television comedy role, Rock argues that Lucy served as the prototype for female characters:

> Lucille Ball ("Here's Lucy" on CBS) pretty much wrote the rule book for the standard "dumb broad" format that has dominated the TV image of women. . . .
>
> . . .The Lucille Ball situation comedy model is a zany child-woman who is dumb and innocent and who has to be patronizingly disciplined by the husband/father/boss. (In situation comedies starring women, there is always a dominant male. Women are never independently in charge of their own lives.) This format depends for much of its comedy on the woman manipulating the man: tricking, deceiving, flirting, coddling, finally admitting she's doing wrong and being forgiven. It is thankfully, going out of style, though remnants of it still persist in even the most updated shows.[130]

The women in situation comedies still tend to be subordinate to the men in their lives. Mary calls her boss "Mr. Grant" even though everyone else calls him "Lou." Edith scoots into the kitchen to fetch Archie a beer and rarely fails to have dinner on the table by 6 p.m. Louise Jefferson's desire to seek employment has been both criticized and impeded by her husband, George.

Although the pattern of male dominance lingers, some female characters have grown stronger over the years. In 1975 Maude waged an active campaign for the State Assembly despite Walter's threat to divorce her. Gloria has on more than one occasion brought to Mike's attention his tendency to make decisions for her. And Edith Bunker stands up to Archie in defining what is right and wrong.

The new situation comedies are attempting to portray women more realistically than in the past. Willingness to explore controversial issues has resulted in the treatment of issues pertinent to women: rape, unwanted pregnancy, or job discrimination. Furthermore, the attempt to deal with issues such as these seems to have enriched the portrayals of the females in situation comedies.

Public Interest Groups and the Production Companies

The efforts of Norman Lear, MTM Productions, and other producers of situation comedy to deal realistically with complex issues have been aided by representatives of various public interest groups who seek accurate treatment of the issues which concern them and the people whom they represent. The American Cancer Society aided in the development of a script about the possibility that Edith Bunker had breast cancer. Information about breast cancer thereby reached 40 million people. The Population Institute contributed several ideas for "All in the Family" scripts which treated Mike's and Gloria's new status as parents. The institute suggested that their experience be portrayed realistically, showing the normal problems as well as the positive aspects of parenting.[131]

The impact of these programs is demonstrated by an episode on "Good Times," which dealt with James Evans' hypertension and stressed the importance of having one's blood pressure checked. Subsequently, there was a significant rise in the number of voluntary requests for blood pressure checks in black neighborhood clinics. Similarly, Archie Bunker's decision to donate blood resulted in increased blood donations at Red Cross clinics throughout the Nation.[132]

Suggestions from public interest groups have provided Hollywood's producers and writers with material which they use to treat contemporary issues realistically in situation comedies and dramatic series. Norman Lear employs an assistant, Virginia Carter, who works with public interest groups,

[129] Gail Rock, "Same Time, Same Station, Same Sexism," *Ms.*, December 1973, p. 24.
[130] Ibid.
[131] Mindy Beck, "Public Interest Groups Tap Into Entertainment TV," *ACCESS*, no. 18, Sept. 22, 1975, pp. 8–9.
[132] Ibid., p. 8.

listening to their suggestions as well as their complaints.[133]

According to Mindy Beck, in her article on "Minority Images on TV," Lear's "open-door policy" has not satisfied everybody. Charles Cook, West Coast regional director for the Congress of Racial Equality (CORE), describes his relationship with Tandem Productions as a "state of cold war." He criticizes Ms. Carter for providing coffee but no solutions to what CORE believes are programs which perpetuate black stereotypes. Cook thinks that there has been little change and that none is forthcoming as long as Lear's product continues to be profitable.[134]

The Chicano Coalition, the Model Cities Center for Law and Justice, and the Hispanics Urban Center, all of Los Angeles, found the first few episodes of "Chico and The Man" derogatory and not authentic. Soon after its debut in 1974 the group went to James Komack, the producer, with two major criticisms. Dan Chavez, legal counsel for the Chicano Coalition, argued that the series shows Chicanos as "slovenly, lazy, working for anything they can get."[135] Secondly, the groups protested that Komack was ignoring cultural differences among people of Spanish origin by assigning the role of Chico to Freddie Prinze, a Puerto Rican actor.[136] These groups were successful in getting some changes in "Chico and the Man" and the company's production coordinator, Jorge Luis Rodriguez, attributes this to discussions with Chicano groups.[137]

Unrealistic portrayals of minorities and women are often attributed to the fact that they rarely write the scripts. Recognizing the need to increase opportunities for writing, the Writers' Guild of America, West (WGA, West) established a training program in 1969—"The Open Door Program"—to teach promising minority writers "the techniques necessary for teleplay and screen play writing."[138] In 6 years of operation, 1,000 students have entered the program. According to David Rintels, president of WGA, West, 50 "sales" have been made to the networks or production companies as a direct result of this program.[139]

Nevertheless, few minority writers have entered the system. Norman Lear has been criticized for employing too few black writers on his series. Of a writing staff of 10 on "Good Times," only 1 is black. In response to this criticism, Lear noted that blacks have contributed to the series and have received 40 percent of the credits for "Good Times."[140] In addition, Lear has established an informal writer's workshop to enhance opportunities for blacks.[141]

Eugenia Collier has argued that black writers are essential if series featuring blacks are to be authentic:

> I do feel that these writers [e.g., Mike Evans] have effected some improvements in ["Sanford and Son"] in the past year. (Lamont, for example, seems more manly, and he and Fred do not try to break up each other's sexual attachments.)[142]

Collier has also reported that Esther Rolle, who plays Florida on "Good Times," is "insisting not only on black writers but black *women* writers" for that series.[143]

In order to document the scarcity of female writers, the WGA, West compiled a list of all series which were on the air in September 1973. They found that women had written only 6.5 percent of the teleplays for these series. Of the 62 series, 24 had never used a female writer, including the following action-adventure series: "McCloud," "Tenafly," "Banacek," "The Rookies," and "Barnaby Jones." Two particularly longrunning series—"Adam 12" and "FBI"—had aired 139 and 230 episodes, respectively, but never used a script written by a woman.[144]

Female writers have been most frequently associated with "The Mary Tyler Moore Show" (25 of 75 episodes were written by women) and "Maude" (11 of 37). Of the 119 episodes of "Here's Lucy" which had been aired by September 1973, only 4 had been written by women.[145]

A followup study of series which were broadcast between October 1974 and October 1975 indicated that very little progress had been made. Among the

[133] Ibid., p. 11.
[134] Mindy Beck, "Minority Images on T.V.: Up from Amos 'n' Andy?" *ACCESS*, no. 19, Oct. 6, 1975, pp. 4–6.
[135] Ibid., p. 4.
[136] "Hot Hungarican," *Newsweek*, Nov. 11, 1974, pp. 74–75.
[137] Beck, "Minority Images on T.V.," p. 6.
[138] Writers Guild of America, West "Memorandum To All Students and Instructors in the Open Program," Oct. 15, 1975.
[139] David Rintels, president, Writers Guild of America, West, interview, Washington, D.C., Oct. 21, 1975.
[140] "Norman is Learical on Family Viewing and Works For Blacks," *Variety*, Nov. 26, 1975, p. 1.
[141] "Black Writers 'Senstizing' Norman Lear," *Still Here*, Job/Scholarship Referral Bulletin for Minorities, Journalism Council, March 1976, p. 1.
[142] Eugenia Collier, "'Black' Shows for White Viewers," p. 215.
[143] Ibid., p. 216.
[144] Writer's Guild of America, West, Inc., Memorandum to all Signatories to the 1973 WGA MBA, Apr. 8, 1974.
[145] Ibid.

series which had never used a female writer were "Joe Forrester," "Hawaii Five-0," "Bronk," "Starsky and Hutch," and "Kojak," all action-adventure series. Three comedy series were also among those for which women had never written: "On the Rocks," "Happy Days," and "When Things Were Rotten." Among the series to which women had contributed a substantial number of scripts were the "The Waltons" (25), "Rhoda" (34), "Medical Center" (16), and "The Rockford Files" (15).[146]

Numerous groups concerned about the portrayal of women and minorities on television have emerged in the last few years. The National Organization for Women, Asian Americans for Fair Media, the National Black Media Coalition, Black Citizens for Fair Media, Bilingual-Bicultural Coalition on the Mass Media, the National Latino Media Coalition, the Puerto Rican Media Action and Educational Council, and the American Indian Press Association have all been active in attempting to bring about media reform. One of the accomplishments of groups such as these has been the preparation of checklists or guidelines to aid writers, production companies, and the networks to achieve more positive, more diverse, and more realistic portrayals of the people they represent.[147]

Media action groups have also met with network executives to discuss their concerns about unauthentic portrayals.[148] Since the production companies supply the bulk of the networks' prime time program schedules, Beck reports that these groups have been more successful in bringing about media reform by going directly to the production companies. In concluding her analysis of the impact of such groups on the portrayal of minorities and women, Beck suggests that the task may appear to be awesome but that the rewards are high:

> . . .groups need not feel their officers and directors must be "biggies" to get their issues on the air. As the treatment of contemporary issues continues to be a highly successful formula, it will probably become even easier for groups to work their causes into scripts. Successful groups warn that it takes patience, perseverance, a light touch, and ideas that dramatize well.
>
> It's a tricky game to play, but with an audience of 40 million, what group is effete enough to say that it's not worth trying?[149]

CONCLUSION

This chapter has traced the major trends in television programming and industry policies and practices which have affected the appearances and portrayals of minorities and women over the past 25 years. Several patterns emerge from this discussion. The 1950s are most aptly characterized by their exclusion of minorities from the lily white screen except for stereotyped roles in such programs as "Amos 'n' Andy," television westerns, or reruns of old films. The portrayal of minorities was primarily limited by sponsor and network fear of offending white viewers, especially those in the South. The portrayal of women was limited primarily to supportive roles such as the homemaker-mother of the situation comedies.

In the 1960s, the civil rights movement forced the inclusion of blacks—as actors and as newsmakers—onto the television screen. With program production and scheduling functions in the hands of network executives (as opposed to the sponsor and its advertising agency), program decisions were increasingly centralized and based on success in the ratings game. This competition increased the portrayal of women as sex objects and victims of violence in the action-adventure series.

The two most recent trends toward relevancy and realism in television programming resulted in further entry of minorities and women into the television world. Both groups have been most successfully incorporated into the realistic situation comedies of Norman Lear and MTM Productions. The popularity of these programs has resulted in numerous spinoffs and imitations. The proliferation of these comedies has provided, for the first time, a relatively diverse portrayal of minorities and women.

Despite the relative realism of these series, they have nevertheless been criticized for displaying elements of racism and sexism. Public interest groups have found, however, that they can work with the production companies to improve the portrayals of minorities and women.

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[146] "Primetime Credits for Women Scribes Didn't Grow in '75," *Variety*, Feb. 4, 1976, p. 48.

[147] See, for example, "The Asian Image in the United States: Stereotypes and Realities," Asian Americans for Fair Media, 43 West 28th Street, New York, N.Y., 10001; "Guidelines for the Treatment of Women in the Media and a Checklist for the Portrayal of Women in Entertainment Programming and Advertising," The National Commission on the Observance of International Women's Year, Washington, D.C.

[148] Beck, "Minority Images on T.V.," p. 6.

[149] Beck, "Public Interests Groups Tap Entertainment TV," p. 11.

This chapter has provided an impressionistic history of a variety of portrayals of minorities and women over the past 25 years. In order to complete the picture, systematic analyses of the roles women and minorities play in both entertainment and news programs were undertaken. The results of these studies are reported in the following two chapters.

CHAPTER 2

Portrayal of Women and Minorities in Television Drama

Television's capacity to consume program material demands assemblyline production of its dramatic product. Unlike the Broadway theater or the movie house which may run the same show nightly for months, the television networks offer different entertainment programming every night of the week. Furthermore, competition among the commercial networks to attract the widest possible audience has limited the development of new ideas or those which smack of controversy.

Although a different lineup of programs is offered every night, the underlying messages are remarkably similar. In one way or another, as each story unfolds, good triumphs over evil.

Television dramas have little time to develop situations or characters, necessitating the use of widely accepted notions of good and evil. Since the emphasis is on resolving the conflict or the problem at hand, there is little time to project the complexities of a character's thoughts or feelings or for dialogues which explore human relationships. To move the action along rapidly, the characters must be portrayed in ways which quickly identify them. Thus, the character's physical appearance, environment, and behavior conform to widely accepted notions of the types of people they represent.

Critics of television programming have argued that the medium creates a distorted view of reality by oversimplifying situations and stereotyping characters and then repeating them endlessly. If this criticism is correct, distinct patterns in the portrayal of television characters should be evident from a systematic analysis of television drama.

The data used in this analysis were obtained from the Cultural Indicators Research Project conducted by the Annenberg School of Communications, University of Pennsylvania.[1] The sample consisted of network dramatic programs broadcast between 8 p.m. and 11 p.m. and children's dramatic (noncartoon) programs broadcast on Saturdays. Dramatic programs include television movies and such series types as action-adventure, melodramas, and situation comedies. One week of programming during the fall season was videotaped and coded for each year of the sample (1969–74).[2] Characters must have played a speaking role in order to be included in the analysis. Major characters were those who played leading roles which were central to the story. All others were considered minor. Distinctions were also made between serious and comic roles. Characters were coded by sex, race,[3] age, economic, marital, and parental status as well as their perceived goodness. Occupational categories, for example, managers or professionals, and the fields in which the characters operated, for example, government or business, were identified. Incidents of violence were analyzed, yielding data about characters who committed violence and about those upon whom it was inflicted. These characteristics were analyzed by race and sex for each year from 1969 through 1974. The ethnic identity of the nonwhite characters was available only for 1973 and 1974. A systematic analysis of these data provides a portrait of the way women and minorities are presented in television programming.

[1] The Cultural Indicators Research Project is directed by Professors George Gerbner and Larry Gross and is conducted under a grant from the National Institute for Mental Health. For details regarding data collection and their reliability, see appendix A.

[2] The one-week sample has been determined to be representative of a year of programming. See appendix A for a discussion of this point.

[3] The coding choices were white, other, and cannot code. These were transformed to (white) and (nonwhite). The number of nonwhite characters is so small that computation of data regarding them for each minority group was not computed by the Cultural Indicators Research Project. However, a limited amount of data on characters labeled nonwhite were available for the years 1973 and 1974 and are discussed later in the chapter.

Table 2.1

PROPORTION OF ALL CHARACTERS BY RACE AND SEX

	Male		Female		Total	
	No.	%	No.	%	No.	%
White	3672	65.3	1339	23.8	5011	89.1
Nonwhite	482	8.6	131	2.3	613	10.9
TOTAL	4154	73.9	1470	26.1	5624	100.0

Source: Data for this and all tables in this chapter reporting portrayal of television characters were obtained from the Annenberg School of Communications, University of Pennsylvania.

PROPORTION OF CHARACTERS BY RACE, ETHNICITY, AND SEX

The total number of major and minor characters in the 6-year sample was 5,624. White males constituted 65.3 percent, the largest proportion of all characters. White females constituted 23.8 percent, nonwhite males 8.6 percent, and nonwhite females 2.3 percent. Table 2.1 provides the number and proportion of characters by race and sex for the entire sample period. The proportion of males among the nonwhite characters (78.6 percent) exceeded the proportion of males among the white characters (73.3 percent). This difference was statistically significant. See table 2.2 for the proportionate distribution of white and nonwhite characters by sex.

The nonwhite female was nearly invisible as a major character but was seen more often in a minor role. There were only 20 nonwhite female major characters (1.6 percent) and 111 minor characters (2.5 percent). (Table 2.3 provides the number and proportion of major and minor characters by race and sex.)

Between 1969 and 1974, the proportion of nonwhite characters nearly doubled, from 6.6 percent to 12.5 percent. Most of the gains were made by minority males. Nonwhite males increased from 5.2 to 9.6 percent of all characters, whereas nonwhite females increased from 1.4 to 2.9 percent of all characters. Concomitantly, the proportion of white male characters declined from 68.2 to 64.6 percent and the proportion of white female characters declined from 25.1 to 22.9 percent. Thus, during the 6-year period, while white males continued to dominate the television screen, the proportion of nonwhites (particularly the males) increased. White females lost ground. Table 2.4 provides the number and proportion of all characters for each year sampled.

A comparison of the population of the television world with that of the real world reveals that there

Table 2.2

PROPORTION OF ALL WHITE AND NONWHITE CHARACTERS BY SEX

	WHITE		NONWHITE	
	No.	%	No.	%
Male	3672	73.3	482	78.6
Female	1339	26.7	131	21.4
TOTAL	5011	100.0	613	100.0

Source: The proportionate distribution of nonwhite characters by sex versus white characters by sex is statistically significant; that is, there were proportionately more nonwhite males in comparison to nonwhite females than white males in comparison to white females. $\chi^2 = 7.1$, $p = < .01$, 1 df. See Sidney Siegel, *Nonparametric Statistics* (New York: McGraw-Hill, 1956), p. 107.

Table 2.3

PROPORTION OF MAJOR AND MINOR CHARACTERS BY RACE AND SEX

	Major		Minor	
	No.	%	No.	%
WHITE				
Male	790	64.3	2882	65.6
Female	325	26.4	1014	23.1
NONWHITE				
Male	94	7.7	388	8.8
Female	20	1.6	111	2.5
TOTAL	1229	100.0	4395	100.0

The proportionate distribution of nonwhite major characters versus white major characters by sex is statistically significant. $\chi^2 = 6.3$, $p = < .02$, 1 df. The proportionate distribution of nonwhite minor characters versus white minor characters is not statistically significant. $\chi^2 = 3.1$, $p = > .05$, 1 df.

were many more males on the screen than there are in reality. Male characters constituted 73.9 percent of the television population, while males actually constitute 48.6 percent of the U.S. population. Whereas female characters in general were underrepresented in comparison with reality, nonwhite females were even scarcer. Nonwhite females constitute 51.8 percent of all minorities in the U.S. population, but only 21.4 percent of all nonwhite characters were females.[4]

[4] Population data were derived from U.S., Department of Commerce, Bureau of the Census. Census data for minority males and females were obtained from table 190, "Persons of Races Other than White and Persons of Spanish Heritage, by Nativity, Sex and Age: 1970," vol. 1, *Characteristics of the Population*, pt. 1, *United States Summary*, sec. 2; data for white males and females were obtained from table 48, "Race by Sex: 1900–1970," ibid., sec. 1.

AGE OF CHARACTERS

White males were older than all other characters; 34.3 percent were coded as 41 to 60 years of age.[5] In contrast, only 19.8 percent of the white females and 13.7 percent of both the nonwhite males and the nonwhite females were 41 to 60 years of age. Both white and nonwhite male characters predominated in the 31 to 40 age bracket—roughly one-third of each group—whereas only 23.2 percent of the white females and 15.3 percent of the nonwhite females were in that bracket. Females predominated in the 21- to 30-year-old group. Almost half of the nonwhite females and more than one-third of the white females were categorized in this age group. (See figure 2.1 for data on the age of characters by race and sex.)

The age portrayals of television characters are also markedly different from reality. Television takes stock of those between 21 and 50 years, while it ignores the very young and the very old. In the television world, 11.6 percent of the characters were under 21 and only 2.7 percent were over 60. In the real world, 37.9 percent of the U.S. population was under 20 in 1970; 14.1 percent was over 60.[6] Although all four groups were portrayed as young adults far more frequently than is true in real life, the contrast was more pronounced for minority males and for female characters than for white male characters, as is demonstrated by comparing the data for 21- to 30-year olds in figure 2.1 with the data for 20- to 29-year olds in figure 2.2.

[5] The age of the characters was estimated by the coders using a 10-year interval scale ranging from 1–10 through 51–60. All characters perceived to be older than 60 were placed in one category.

[6] U.S., Department of Commerce, *Characteristics of the Population*, table 49, "Age by Sex, for the United States and Outlying Areas: 1970 and 1960."

Table 2.4

PROPORTION OF CHARACTERS BY YEAR, RACE AND SEX

	1969		1970		1971		1972		1973		1974	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
WHITE												
Male	624	68.2	584	67.6	665	65.1	595	62.4	576	64.1	628	64.6
Female	230	25.1	200	23.2	251	24.6	223	23.4	212	23.6	223	22.9
Subtotal	854	93.3	784	90.8	916	89.7	818	85.8	788	87.7	851	87.5
NONWHITE												
Male	48	5.2	60	6.9	84	8.2	107	11.2	90	10.0	93	9.6
Female	13	1.4	20	2.3	22	2.2	28	2.9	20	2.2	28	2.9
Subtotal	61	6.6	80	9.2	106	10.4	135	14.1	110	12.2	121	12.5
TOTAL	915	99.9	864	100.0	1022	100.1	953	99.9	898	99.9	972	100.0

The proportionate distribution of white and nonwhite characters by sex was not significantly different for any single year.

The major departure from reality on the age dimension, however, occurred in the portrayal of females. As noted above, nearly half of the nonwhite female characters were coded in the 21- to 30-year-old group. In reality, only 15.4 percent are aged 21 to 30. Although the difference between fact and fiction is not as great for white women, 21- to 30-year-old white female characters were also overrepresented on the television screen. Television's failure to portray older people has also affected the portrayal of women. Only 3.3 percent of all white female characters were over 60, whereas, in fact, 16.8 percent of all white women are that age. Only 2.3 percent of all nonwhite female characters were over 60, but 9.6 percent of all nonwhite women are that age. (See figure 2.2 for age breakdowns of the United States population by race and sex.)

In sum, white men were more often portrayed as older and more mature, while women and minority men were more often portrayed as younger and less mature.

TYPE OF ROLE

The type of role which characters play in television programs—serious versus comic—is another factor which differentiates male and female portrayals.[7] The data reveal that two-thirds of the males (both white and nonwhite) played serious roles, while only half of the females did so. Comic roles constituted only 18.1 percent of all roles in the sample. Although the difference was not statistically significant, more white female characters than any other group (25.5 percent) appeared in them. (See table 2.5 for the proportionate distribution of major characters in serious versus comic roles by race and sex.)

Another aspect of characterization—hero versus villain—differentiates white from nonwhite portrayals.[8] There were more heroes than villains in the sampled programs (56.4 percent versus 13.6 percent). The proportion of nonwhite characters portrayed as heroes was greater than was true for whites. Nearly 64 percent of the nonwhite males were portrayed as heroes and 70 percent of the nonwhite females were seen as heroines, compared to 55.7 percent of the white males and 55.1 percent of the white females. White characters were more frequently depicted as villains: 16.8 percent of the white males and 8.6 percent of the white females were so portrayed. Only 6.4 percent of the nonwhite males and none of the nonwhite females were coded as villains. (See table 2.6 for the proportionate distribution of major characters as heroes and villains by race and sex.)

[7] The coding choices were: light, comic role; serious role; mixed. These data were available only for major characters.

[8] The coding choices were "good guys," "bad guys," or "mixed." Good guys were protagonists or heroes and bad guys were antagonists or villains. These data were available only for major characters.

Figure 2.1

AGE OF CHARACTERS BY RACE AND SEX

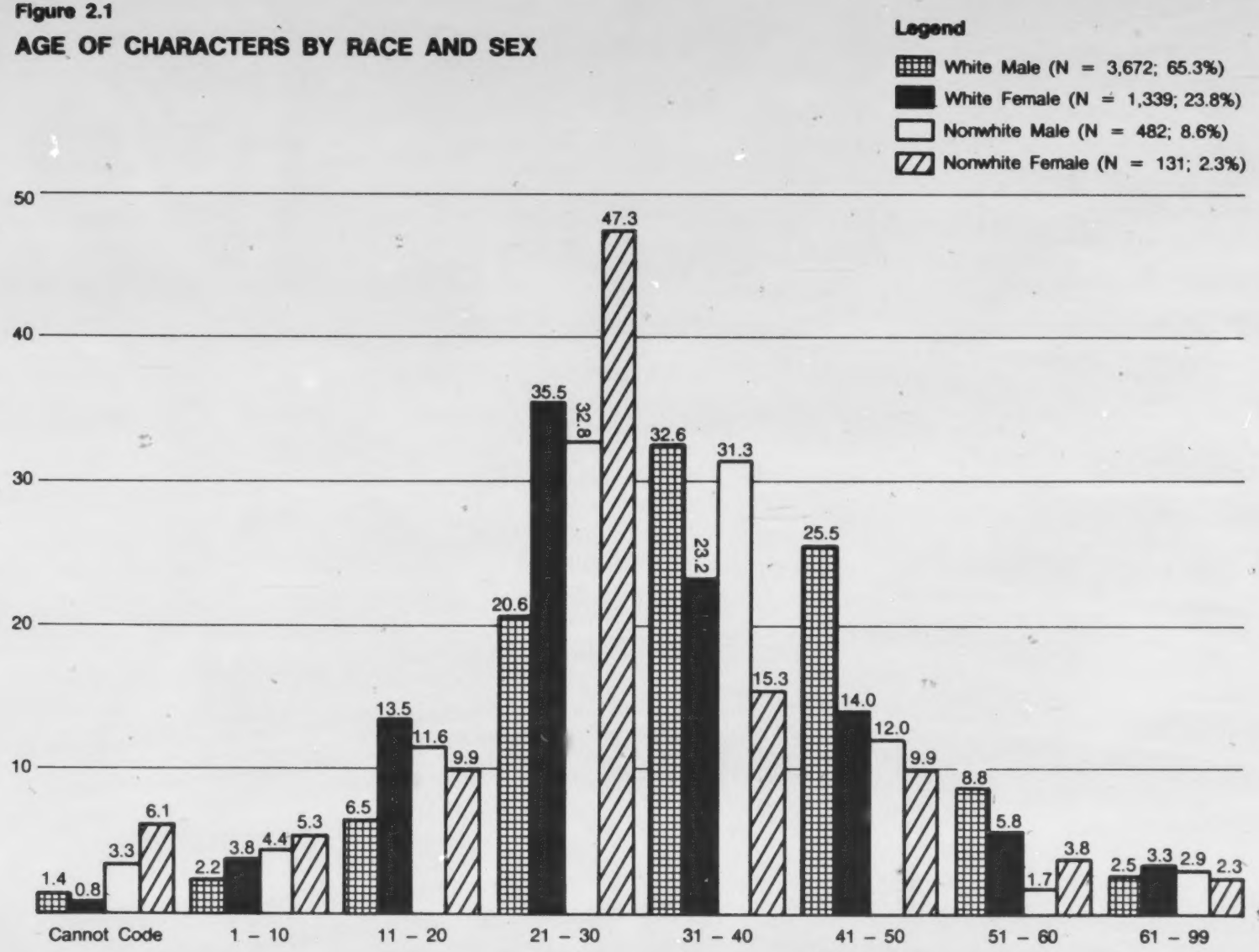
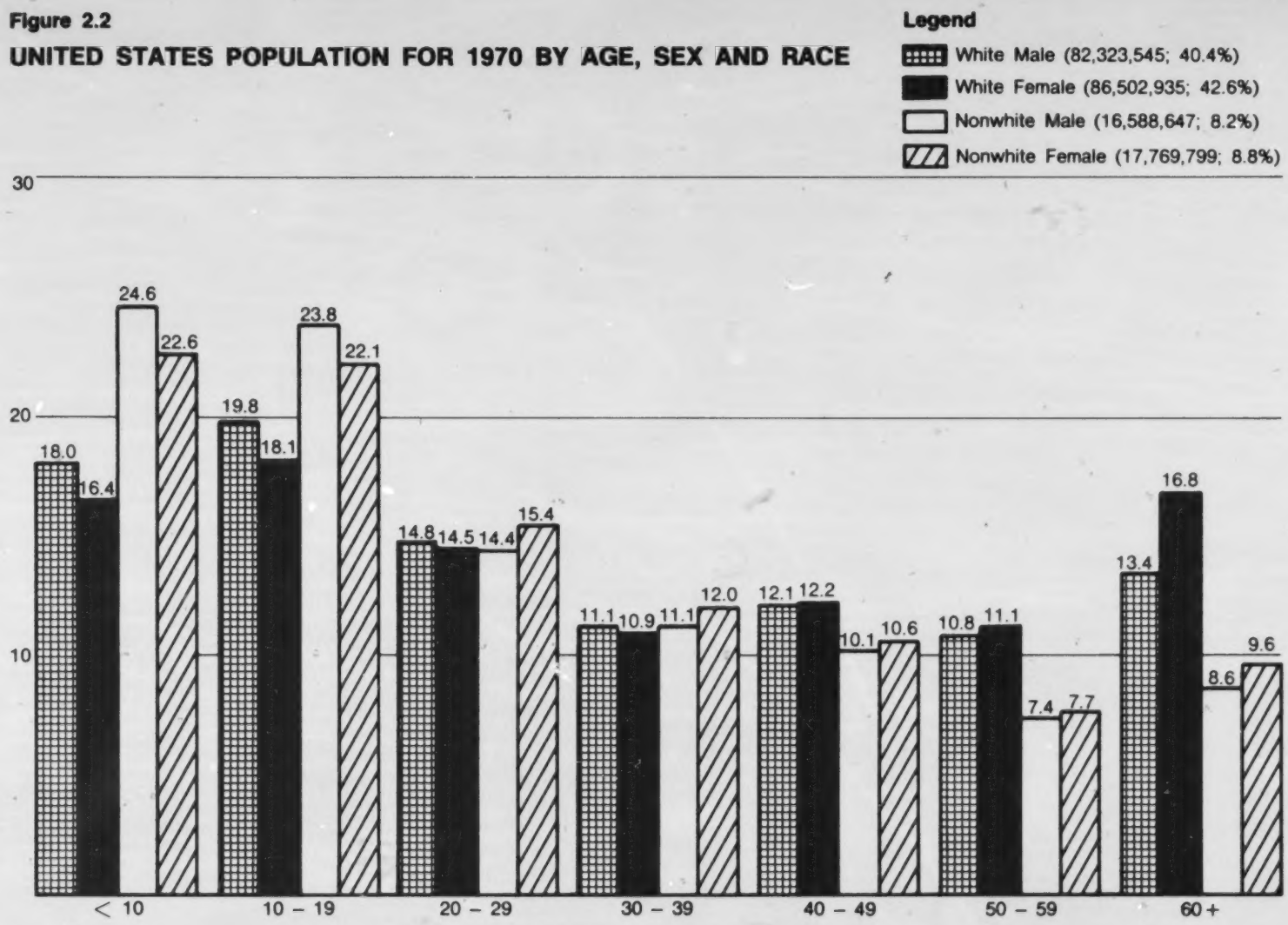


Figure 2.2

UNITED STATES POPULATION FOR 1970 BY AGE, SEX AND RACE



Source: U.S., Department of Commerce, *Characteristics of the Population*, Table 49, "Age by Sex, for the United States and Outlying Areas: 1970 and 1960" and Table 190, "Persons of Races Other Than White and Persons of Spanish Heritage, by Nativity, Sex, and Age: 1970."

Table 2.5

PROPORTION OF MAJOR CHARACTERS IN SERIOUS VS. COMIC ROLES BY RACE AND SEX

Role	WHITE				NONWHITE				TOTAL	
	Male		Female		Male		Female			
	No.	%	No.	%	No.	%	No.	%	No.	%
Serious	516	65.3	162	49.8	64	68.1	10	50.0	752	61.2
Comic	120	15.2	83	25.5	16	17.0	4	20.0	223	18.1
Mixed	154	19.5	80	24.6	14	14.9	6	30.0	254	20.7
TOTAL	790	100.0	325	99.9	94	100.0	20	100.0	1229	100.0

Table 2.6

PROPORTION OF MAJOR CHARACTERS AS HEROES AND VILLAINS BY RACE AND SEX

Role	WHITE				NONWHITE				TOTAL	
	Male		Female		Male		Female			
	No.	%	No.	%	No.	%	No.	%	No.	%
Hero	440	55.7	179	55.1	60	63.8	14	70.0	693	56.4
Villain	133	16.8	28	8.6	6	6.4	0	0.0	167	13.6
Mixed	217	27.5	118	36.3	28	29.8	6	30.0	369	30.0
TOTAL	790	100.0	325	100.0	94	100.0	20	100.0	1229	100.0

MARITAL AND PARENTAL STATUS

The television male is not family bound. Two-thirds of the white male and three-quarters of the nonwhite male major characters were not depicted as husbands. This difference was statistically significant.[9] In contrast, 50.2 percent of all white female and 45 percent of all nonwhite female major characters were portrayed as wives.

The scarcity of children in television drama is reflected in the limited portrayal of adults as parents. Data on the parental status of characters were first collected in 1972. Only 6.8 percent of all characters had children. Major characters were more often depicted as parents (17.0 percent) than minor ones (4.5 percent). The proportionate distribution of characters in parental roles was as follows: nonwhite females, 17.1 percent; white females, 11.4 percent; nonwhite males, 7.2 percent; white males, 4.7 percent.

[9] Chi-square = 4.6, $p < .05$, 1 df. Minor characters were not coded for marital status until 1972, and the data reveal that almost 90 percent of the male minor characters between 1972 and 1974 were not married.

ECONOMIC STATUS OF CHARACTERS

Generally, television presents a middle-class world in which characters are more likely to be rich than poor. In fact, poverty is virtually ignored—only 1.1 percent of all characters[10] were portrayed as very poor (0.6 percent of the white males, 7.4 percent of the nonwhite males, and 5.0 percent of the nonwhite females). There were no very poor white females. Interestingly, 61.5 percent of those portrayed as very poor were nonwhite (53.8 percent male and 7.7 percent female) compared with 38.5 percent of the white males. Since there were 10 times as many white characters in the sample, it might be expected that the number of whites characterized in a particular way would outnumber the nonwhites. In this case, more nonwhites were portrayed as very poor and a much greater proportion of the very rich were white (61.3 percent, white male; 32.5 percent, white

[10] The characters' affluence was measured using a five-step scale ranging from very rich to very poor. Data were available only for major characters.

female; 5.0 percent, nonwhite male; and 1.3 percent, nonwhite female).

OCCUPATIONAL PORTRAYALS

The presentation of women as wives and mothers is reinforced in the data on occupational portrayals.[11] Over half of the white (57.0 percent) and nonwhite (53.4 percent) female characters could not be identified in an occupational role, whereas 69 percent of the white males and 60 percent of the nonwhite males could be so identified.

Generally, there were more sex differences than race differences in occupational portrayals. In five of the nine categories—law enforcement, craftsman, clerical, laborer, and military—the proportions of white and nonwhite male characters in comparison to white and nonwhite female characters were virtually identical. For example, 16.8 percent of all white males and 16.8 percent of all nonwhite males were portrayed in law enforcement roles, whereas only 2.1 percent of the white females and 0.8 percent of the nonwhite females were so portrayed. Similarly, 9.6 percent of all white females and 10.7 percent of all nonwhite females were portrayed as clerical workers, while 1.4 percent and 1.2 percent of the white and nonwhite males, respectively, were in clerical roles.

However, there were race differences in two occupations. More whites (both male and female) were managers and more nonwhites (both male and female) were service workers. There were secondary sex differences in these two categories as well. More males were managers and more females were service workers. White males were more frequently portrayed as professionals than were the other groups. Figure 2.3 presents the proportion of white males, white females, nonwhite males, and nonwhite females portrayed in each of eight occupational categories.

Characters were also coded for the field of activity which was most closely related to their occupations, providing another perspective on occupational portrayals. A discernible occupational field could not be identified for nearly half the female characters. Those females who could be identified were most frequently portrayed in business, health, and education, three fields in which women have traditionally held secretarial, nursing, and teaching positions. Proportionately, more nonwhite females appeared in the health and education fields than was true for any other group. More than one of every four male characters (both white and nonwhite) were associated with government work, which can be explained by their portrayal in law enforcement and the military. Finally, more men than women and more nonwhites than whites were associated with illegal activity. Figure 2.4 presents the proportion of white males, white females, nonwhite males, and nonwhite females portrayed in each of seven fields of activity.

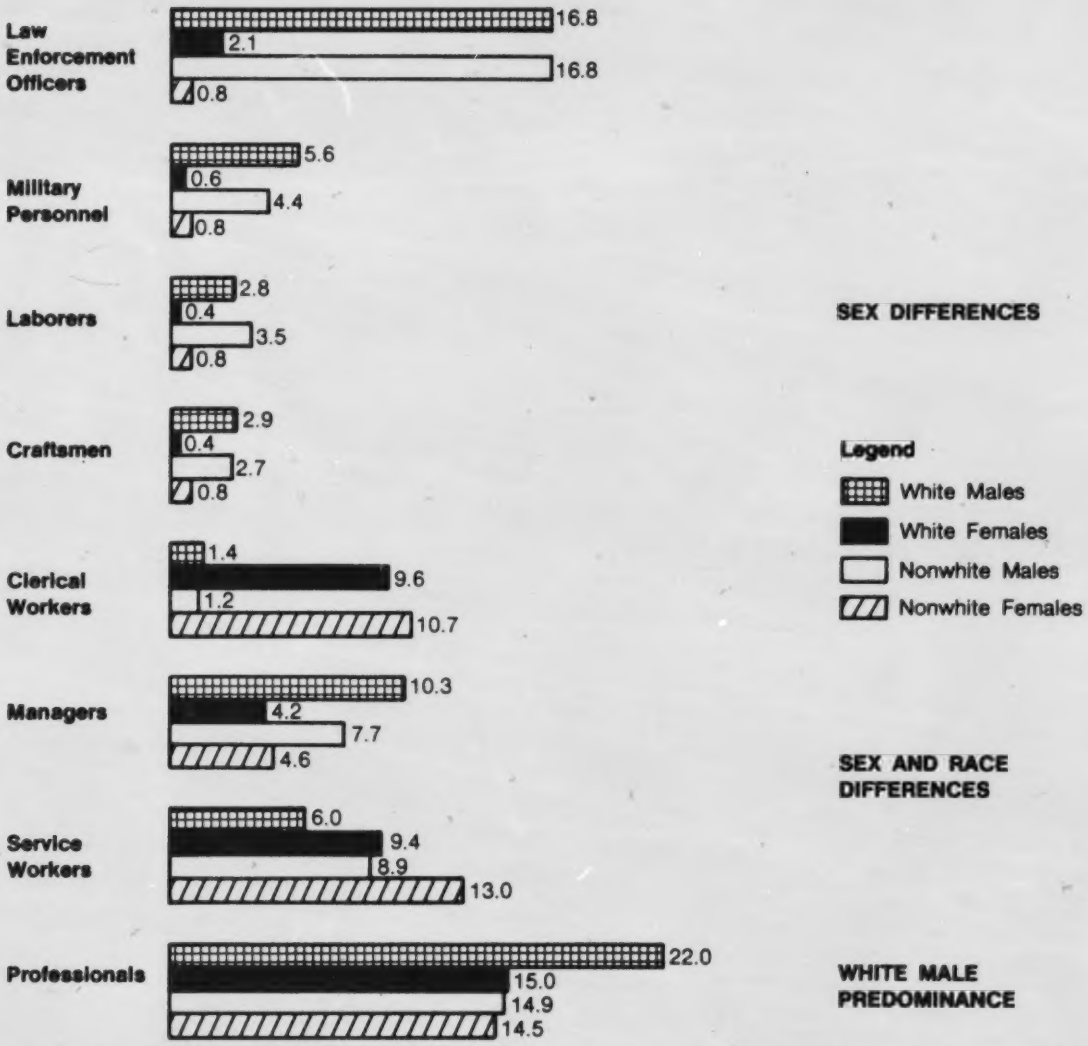
A comparison of the occupational portrayal of characters in 1969 with those in 1974 reveals a major change for nonwhite female characters. In 1969 only 30.8 percent could not be coded for a gainful, legal occupation or field of activity. In that year, almost half of all nonwhite female characters were employed as professionals (46.2 percent). Their fields of activity included education, health, business, and entertainment. In 1974 the portrayal of nonwhite females was dramatically different: 71.4 percent could not be coded in an identifiable occupation and only 3.6 percent were coded as professionals. Nonwhite females were most frequently associated with illegal activity in 1974.

The data base for nonwhite female characters was very small throughout the sample period. Because of this, relatively minor changes in their portrayal resulted in marked fluctuations. Thus, in 1969 when there were only 13 nonwhite female characters, it only took 6 professional portrayals to constitute 46.2 percent. Similarly, in 1974, when there were 28 nonwhite female characters, the 20 who could not be coded in a lawful, gainful employment category constituted 71.4 percent.

[11] The occupations of all characters were coded using a modification of census occupational categories. The categories used were as follows: professional, technical, and kindred workers; managers, officials, and proprietors (including farm); clerical and kindred workers; sales workers, craftsmen, foremen, operatives and kindred workers; service workers (including household workers); laborers (both farm and nonfarm); military; law enforcement and crime detection. In addition, a category called "no discernible gainful employment: uncertain, other, and mixed" was used to include housewives, those engaged in illegal activities, and those for whom there was insufficient data on which to base a judgment as to occupation. Although the U.S. Commission on Civil Rights does not consider "housewives" comparable to those "engaged in illegal activities" or to be unemployed, the data had already been categorized this way and could not be recoded. Although this Commission prefers the use of such nonsexist occupational terms as "craftsperson," the codes were based on census categories which used the term "craftsman."

Figure 2.3

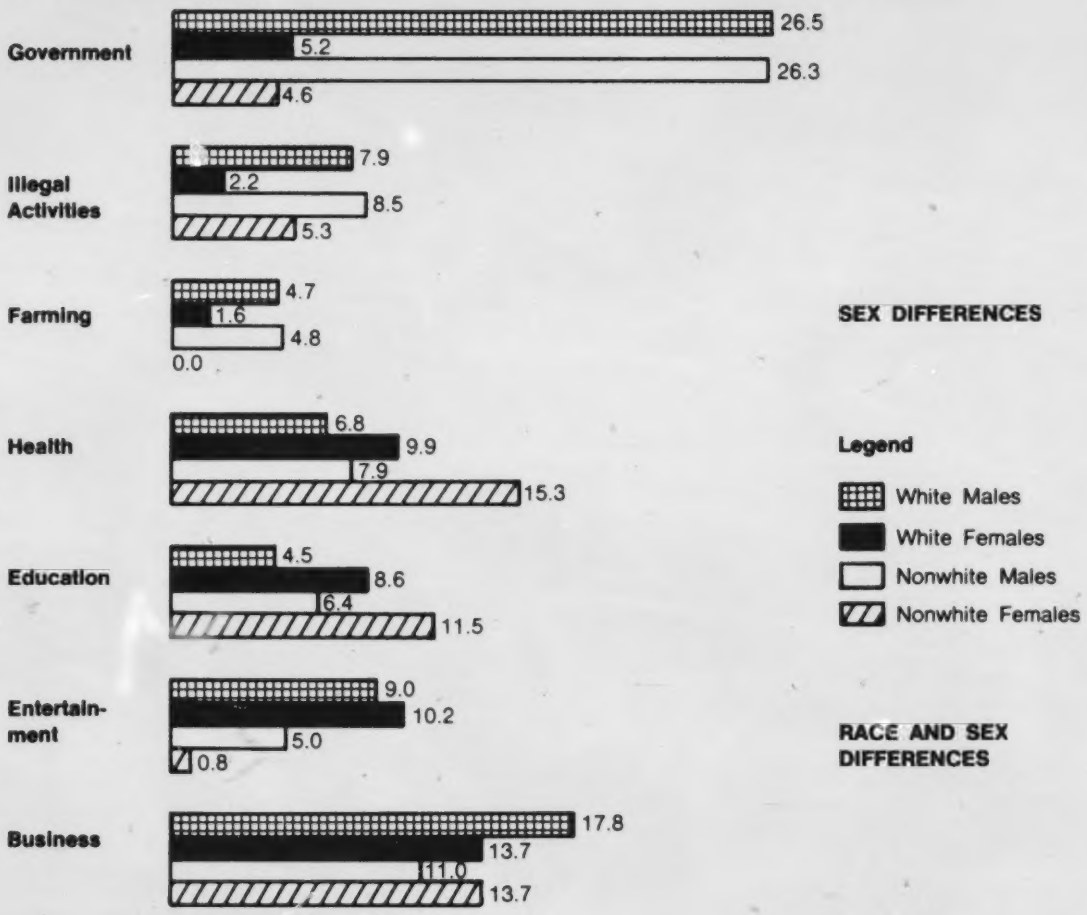
CONCENTRATION OF CHARACTERS IN OCCUPATIONAL ROLES BY RACE AND SEX



Note: The percentages for each race-sex group do not total 100 because those characters who could not be identified in an occupational category and those characters identified as sales workers are not displayed. Sales workers constituted only 1.1 percent of all occupational roles.

Figure 2.4

FIELD OF ACTIVITY FOR CHARACTERS BY RACE AND SEX



Note: The percentages for each race-sex group do not total 100 because those characters who could not be identified for a field of activity and those characters identified with the fields of science and religion are not displayed. The latter two fields accounted for only 1.9 percent of all characters.

CRIME AND VIOLENCE

Law enforcement was one of the major occupational portrayals of male characters, implying a good deal of criminal activity.[12] Male characters, regardless of race, were more likely to commit a crime than were females: 21.4 percent of the white males and 21.3 percent of the nonwhite males committed at least one criminal act. Only 10.8 percent of the white females and 5.0 percent of the nonwhite females committed crimes.

A similar pattern emerged for the commission of violent acts. Almost 18 percent of the white male characters inflicted pain on others; 15.4 percent of the nonwhite males did so. In contrast, only 7.0 percent of the white females and 3.1 percent of the nonwhite females hurt someone. Killing was relatively rare for all groups, but there were proportionately more nonwhite male killers than white males: 6.6 percent compared to 4.5 percent. There were no nonwhite female killers and only 1.0 percent of the

[12] Data regarding criminal activity were available only for major characters.

Table 2.7

PROPORTION OF CHARACTERS WHO COMMIT VIOLENCE BY SEX AND RACE

	WHITE				NONWHITE				TOTAL	
	Male		Female		Male		Female			
	No.	%	No.	%	No.	%	No.	%	No.	%
Hurt	657	17.9	94	7.0	74	15.4	4	3.1	829	14.7
Kill	167	4.5	14	1.0	32	6.6	0	0.0	213	3.8
Do Not Commit Violence	2848	77.6	1231	91.9	376	78.0	127	96.9	4582	81.5
TOTAL	3672	100.0	1339	99.9	482	100.0	131	100.0	5624	100.0

white female characters killed someone. (See table 2.7 for data on the commission of violence by race and sex.)

The power structure that exists in the world of television may be partly defined by who commits violence and who suffers it. Male characters were more frequently involved in violence, both committing it and suffering it. (See table 2.8 for data by race and sex on characters who suffered violence.) To determine whether any of the groups suffered more violence than they committed, it was necessary to control for the proportionately greater number of male characters involved in violence. This was done by creating a victimization ratio.[13] (See table 2.9 for victimization ratios by race, sex, and year.) Thus, nonwhite females who were rarely portrayed in violent scenes were, nevertheless, more likely than any other group to be portrayed as victims rather than as perpetrators of violence. They suffered 12 nonfatal violent acts but committed only four for a victimization ratio of -3.0. White female characters emerged as the next group more likely to suffer the consequences of violent action than to commit it. Nonwhite males were the most likely of all characters to kill more frequently than they were killed.

Throughout the 6 years sampled, females emerged as the most frequent victims of violence. The pattern of victimization of women was more pronounced in 1973 than in any other year. Nine females that year were killed, but only one was a killer. Conversely, males were portrayed more often as killers than as victims in 1973.

PORTRAYAL OF ETHNIC GROUPS (1973–1974)

Thus far, portrayal data for whites and nonwhites and males and females have been discussed for the 6 years sampled. The 1973 and 1974 samples included information which identified the specific ethnic or racial origins of the nonwhite characters. Black males constituted over one-half of all minority characters (54.1 percent in 1973 and 46.1 percent in 1974) and Asian American males made up almost one-fifth (18.4 percent in 1973 and 19.1 percent in 1974). Black female characters were the third most frequently appearing group (13.8 percent in 1973 and 18.3 percent in 1974). Asian American female characters and Hispanic and Native American characters of both sexes constituted the remainder. Four out of five minority characters were males. (See tables 2.10 and 2.11 for proportions of nonwhite characters by ethnicity and sex for 1973 and 1974.)

The portrayal data collected included the character's occupation (e.g., lawyer, secretary, junkyard owner); the character's status (major versus minor); and the title of the program in which he or she appeared. (See appendices B and C for lists of nonwhite characters identified by program, race, ethnicity, sex, and occupation for 1973 and 1974.) The number of programs in which minority characters appeared underwent no change over the 2-year period. In 1973 they appeared in 37 out of 59 prime time programs. In 1974 the proportion was 37 out of 60. (See appendices D and E for the network entertainment program samples for 1973 and 1974.)

[13] The concept of the victimization ratio was developed by the Cultural Indicators Project of the Annenberg School of Communications. Ratios were computed as follows: the smaller figure always served as the divisor. Plus and minus signs were used to indicate the direction of the commission of violence in relation to the suffering of it, so that a positive ratio indicates that commission of violence exceeded suffering of violence; a negative ratio indicates victimization exceeded commission. This is the way in which the Annenberg School of Communications normally reports victimization ratios.

Table 2.8

PROPORTION OF CHARACTERS WHO SUFFER VIOLENCE BY RACE AND SEX

	WHITE				NONWHITE				TOTAL	
	Male		Female		Male		Female			
	No.	%	No.	%	No.	%	No.	%	No.	%
Suffer Pain	749	20.4	166	12.4	97	20.1	12	9.2	1024	18.2
Are Killed	228	6.2	36	2.7	33	6.8	6	4.6	303	5.4
Are Not Victims of Violence	2695	73.4	1137	84.9	352	73.0	113	86.3	4297	76.4
TOTAL	3672	100.0	1339	100.0	482	99.9	131	100.1	5624	100.0

Table 2.9

VICTIMIZATION RATIOS BY RACE, SEX AND YEAR

	1969	1970	1971	1972	1973	1974	All Years
				Nonfatal Violence			
WHITE							
Male	–1.2	–1.2	–1.0	–1.2	–1.2	–1.0	–1.1
Female	–1.4	–1.8	–1.7	–2.4	–1.6	–2.1	–1.8
NONWHITE							
Male	–2.7	+1.2	+1.3	–1.3	–2.0	–1.3	–1.3
Female	*	–2.0	–3.0	–*	–*	–2.0	–3.0
				Fatal Violence			
WHITE							
Male	+1.0	+1.1	–1.4	–1.4	+1.1	–2.3	–1.4
Female	–*	–1.5	–2.0	–3.0	–8.0	–1.5	–2.6
NONWHITE							
Male	+*	–1.5	–1.3	–1.4	+1.4	+1.0	+1.0
Female	*	*	*	–*	–*	*	–*

Ratios were derived by dividing the smaller figure into the larger. A – ratio indicates more sufferance of violence than perpetration of it; a + ratio indicates more perpetration of violence than victimization.

*Group has neither perpetrators of violence nor victims. If * is preceded by a sign, group has *either* no perpetrators *or* no victims; +* means only perpetrator(s) but no victim(s); –* means only victim(s) but no perpetrator(s). 1.0 means the number of perpetrators equaled the number of victims.

Although nonwhite charcters appeared in over half of the programs aired in 1973 and 1974, they constituted only 12.2 percent and 12.5 percent of all characters, respectively.

Several patterns emerged regarding the types of programs in which nonwhites appeared and the ways in which they were depicted. Over two-thirds of the action-adventure programs included at least one nonwhite character, and nearly one-half of the nonwhite characters appeared on these shows. In several series of this type, groups of characters of a particular ethnic background were all involved in the same activity. Thus, in one episode of "Kung Fu," 11 Asian American characters were affiliated with a religious order. An episode of "Hawaii Five-O" featured a ring of Hawaiian gangsters involved with prostitution. On "Born Free," 10 African tribesmen accounted for the portrayal of most of the

Table 2.10

NONWHITE CHARACTERS BY ETHNICITY AND SEX 1973

	Male		Female		Total	
	No.	%	No.	%	No.	%
Blacks	59	54.1	15	13.8	74	67.9
Asian Americans	20	18.4	3	2.7	23	21.1
People of Spanish Origin	7	6.4	1	0.9	8	7.3
Native Americans	3	2.8	1	0.9	4	3.7
TOTAL	89	81.7	20	18.3	109	100.0

Table 2.11

NONWHITE CHARACTERS BY ETHNICITY AND SEX 1974

	Male		Female		Total	
	No.	%	No.	%	No.	%
Blacks	53	46.1	21	18.3	74	64.4
Asian Americans	22	19.1	3	2.6	25	21.7
People of Spanish Origin	8	7.0	0	0.0	8	7.0
Native Americans	7	6.1	1	0.9	8	7.0
TOTAL	90	78.3	25	21.8	115	100.1

nonwhite characters on the program. In contrast to their portrayals in groups, nonwhite characters appeared on many action-adventure series in token roles[14] as service workers, doctors, and police officers. Asian American and black males were frequently portrayed as police officers on the trail of nonwhite criminals.

Situation comedies were generally all-white shows—21 of the 35 comedies in the 1973 and 1974 samples did not include a nonwhite character. The trend toward nonwhite characters starring in their own series is evident in the latter year. Six of the 13 shows in 1974 included at least one nonwhite character. Four of these starred minorities: "That's My Mama," "Good Times," "Sanford and Son," and "Chico and the Man."

There were several action-adventure programs and situation comedies which were set in exotic or in urban locales and therefore provided a plausible situation for the appearance of so many nonwhites. "Born Free," set in Africa, included 12 black characters in one episode. Similarly, two episodes of "Hawaii Five-O" accounted for 18 Asian American characters. The situation comedies, set in foreign or ethnic locales—Korea, the black ghetto, or the barrio—were the only ones with more than a token nonwhite character. The garage in "Chico and the Man," the barber shop in "That's My Mama," the junkyard in "Sanford and Son," and the Evans apartment in "Good Times" were the settings in which the nonwhite characters appeared.

The only parts which nonwhites played in television melodramas in the 1973 sample were token roles, with the exception of "Room 222." That series featured several black male and female characters on a continuing basis as teachers, counselors, or students. In 1974 "Lucas Tanner," another schoolroom melodrama, featured two male students—one black and one Asian American. Black females played token roles as nurses or maids on series such as "Marcus Welby" and "Owen Marshall."

The final program category in which a substantial number of minority characters appeared were the prime time network movies. Twelve of the 22 movies aired in the 1973 and 1974 samples included 65 nonwhite characters. Half of these films had action-

[14] To be counted as token, a nonwhite character had to be the only minority individual in the episode being coded. No nonwhite character coded as a token played a leading role.

adventure formats. Like the series counterparts, the action films also portrayed minority characters in groups involved in the same activities. Ten black males were police officers, five were involved in illegal activity, and five black females were prostitutes. Likewise, a group of four male Eskimos appeared in a Walt Disney movie as hunters.

The typical token roles played by minority characters in the action-adventure series also occurred in many of the films. Black male characters were portrayed as a hotel clerk, a butler, and a waiter. Black females appeared as a cook and a nurse. The classic stereotype of the Asian American laundryman appeared in *For a Few Dollars More* along with another classic, that of the Mexican bandit.

Characteristic of the entire sample period, nonwhite female characters constituted roughly one-fifth of the nonwhites in the samples for 1973 (18.3 percent) and 1974 (21.8 percent). In all, there were 45 minority female characters, 36 of whom were black. Only one black female—Ruth in the movie *Buck and the Preacher* —appeared in a major role in the 1973 sample. Of the nine minority females who played major roles in 1974, seven were black. Most of the roles were not continuing characters on a series; the three continuing characters who played leading roles were Christie Love, Florida Evans, and Mama Curtis. The occupational data available for female characters substantiated the general pattern of female characters not being portrayed in occupations outside the home. Five of the characters were not employed outside the home and the remaining four included a black policewoman, a practitioner of folk medicine, a nurse, and an Asian woman who was the manager of her husband's business.

Only 13 of the 35 nonwhite female minor characters in the 2-year period were legally and gainfully employed. Their occupations, however, were largely stereotyped and subordinate. These included characters who played nurses, secretaries, doctor's receptionist, maids, and a cook. The most frequent "occupation" in which black female minor characters were portrayed was that of prostitute, a total of seven.

In sum, most nonwhite characters, both major and minor, were males. Among the ethnic groups studied, blacks appeared most frequently. People of Spanish origin were rarely depicted; there was only one Mexican American female in 1973 and 1974, Louise on "The Magician." The pattern of unemployment of female characters was borne out by the data which specifically identified the characters' occupations. Most of the nonwhite women could not be coded for an occupation. Finally, the extent to which nonwhite characters, both male and female, played token roles in television series and movies revealed patterns of stereotyped portrayal. (See tables 2.12 through 2.15 for occupational data by ethnic group and sex.)

SUMMARY OF FINDINGS

The television world presents a social structure in which males are very much in control of their own lives and are in a position to control the lives of others. Regardless of race, male characters were older, more independent, more frequently portrayed in serious roles, and they held more diverse and prestigious occupations than did female characters. Females were younger, more often unemployed and family bound, and more frequently seen in comic roles. Those who were employed were in stereotyped and sometimes subservient occupations.

Masculine control is implicit in these characterizations. It is made explicit in the portrayal of violence. The major difference between males and females was the degree to which men were involved in violent action, either as law enforcers or as criminals. Further, women were far more likely to be the victims of violence rather than the perpetrators of it.[15]

Female weakness is the complement of masculine control on television, and it is seen in an exaggerated form in the portrayal of the nonwhite female. Most nonwhite females were in their twenties, unemployed, and the most likely of all groups to be the victims of violence. The frequent portrayal of the black female as a prostitute illustrates her vulnerability in television's violent world.

Race differences exceeded sex differences in only one dimension: the goodness or heroism of the character. Proportionately more nonwhites were perceived positively than was true of whites. Ironically, the character's goodness was the only dimension in which nonwhite females were at the top. Proportionately more were portrayed as good people than any other group.

Although most portrayal differences were sex-related, there were underlying race differences as

[15] While this Commission does not advocate that women should be portrayed as the perpetrators of violence, nevertheless it should be noted that women are portrayed as more vulnerable than men since they are more frequently victimized.

Table 2.12

RACE, SEX AND OCCUPATION OF NONWHITE MAJOR CHARACTERS IN NETWORK DRAMATIC PROGRAMS FROM PRIME-TIME TELEVISION SAMPLE 1973

MALES		FEMALES	
Blacks			
Doctor		Occupation Unknown	
Teacher			
Comedy Writer			
Art Gallery Manager			
Junkyard Owner			
Associate Junkyard Owner			
Police Detective (2)			
Policeman			
Corporal, U.S. Army			
Private, U.S. Army			
Unemployed Veteran			
Wagon Master			
Itinerant Con-Man			
Pimp			
Number and Percent	15 (75.0%)	Number and Percent	1 (100.0%)
Asian Americans			
Priest			
Mob Leader			
Number and Percent	2 (10.0%)	Number and Percent	0 (0.0%)
People of Spanish Origin			
Auto Parts Salvager			
Ex-con/ex-acrobat			
Number and Percent	2 (10.0%)	Number and Percent	0 (0.0%)
Native Americans			
Ranch Foreman			
Number and Percent	1 (5.0%)	Number and Percent	0 (0.0%)
TOTAL MALES	20 (100.0%)	**TOTAL FEMALES**	1 (100.0%)

well. Males held better jobs than females, but white males held better jobs than nonwhite males. The same was true for white females and nonwhite females.

The preponderance of white males together with the way in which they are portrayed in television dramas has resulted in a steady stream of images of men with inordinate physical or mental strength. The infallible lawyer, the authoritative chief of police, the invincible detective, along with countless subordinates, uphold the law and maintain order on television. While these images are pervasive in action-adventure shows, another facet of the strong masculine character is revealed in the omniscience and self-righteousness of the doctors, teachers, and fathers who solve the myriad problems which arise in

television's melodramas. In contrast, the limited number of roles for women, the lack of depth with which they are portrayed, and the degree to which they are dependent on males for their sustenance, security, and safety in the face of psychological and physical threats have formed the basis for much of

Table 2.13

RACE, SEX AND OCCUPATION OF NONWHITE MINOR CHARACTERS IN NETWORK DRAMATIC PROGRAMS FROM PRIME-TIME TELEVISION SAMPLE 1973

MALES		FEMALES	
Blacks			
Doctor (3)		Nurse (2)	
Hospital Orderly		Welfare Office Worker	
Pilot		Student Counselor	
Baseball Player		Student	
Assistant Director		Secretary	
Farmer (5)		Maid (2)	
Store Clerk		Cook	
Parking Attendant		Prostitute (2)	
Retired Mailman		Occupation Unknown (3)	
Student (4)			
Sergeant, U.S. Army			
Corporal, U.S. Army			
Soldier			
Unemployed Veteran			
Chief of Detectives			
Police Detective (2)			
Crime Investigator			
Policeman (8)			
Prisoner			
Pimp (4)			
Occupation Unknown (4)			
Number and Percent	44 (63.8%)	Number and Percent	14 (73.7%)
Asian Americans			
Priest		Nurse	
Sorcerer		Student	
Cab Driver		Doctor's Receptionist	
Car Attendant			
Coroner			
Police Detective (2)			
Policeman			
Traffic Cop			
Assassin (2)			
Enforcer for Mob Leader			
Foreman for Mob Leader			
Pimp (3)			
Occupation Unknown (2)			
Number and Percent	18 (26.1%)	Number and Percent	3 (15.7%)

Table 2.13 Continued

MALES		FEMALES	
People of Spanish Origin			
Welfare Office Worker		Occupation Unknown	
Truck Driver			
Occupation Unknown (3)			
Number and Percent	5 (7.3%)	Number and Percent	1 (5.3%)
Native Americans			
Guide		Occupation Unknown	
Occupation Unknown			
Number and Percent	2 (2.9%)	Number and Percent	1 (5.3%)
TOTAL MALES	69 (100.0%)	**TOTAL FEMALES**	19 (100.0%)

the criticism of television's depiction of women. Similarly, the fact that there are so few roles for minority characters on television and, furthermore, the fact that many appear in either stereotyped or token roles has been central to the criticism of television's portrayal of minorities.

POTENTIAL IMPACT

The impact of a steady diet of these television images has not yet been established. Relatively little is known about the ways in which the stereotyped images of men and women and of whites and nonwhites affect viewers' beliefs, attitudes, and behavior. Are beliefs and attitudes about people of another race created or reinforced by television's portrayal of them? To what extent is sex role learning influenced by television? Does television expand an individual's perceptions of his or her options in life or limit them?

Although a limited amount of research has been undertaken to explore these questions, the difficulty of isolating the influence of television from other sources of information about the world impinges upon the research. It is virtually impossible to find respondents who have never watched television and therefore could not have been influenced by it. Such a respondent would be ideal in controlling for the effect of television. As a result, isolating the effect of television upon the viewer's image of reality is difficult. One way of overcoming this difficulty is to differentiate viewers by the degree of their exposure to television.

The Cultural Indicators Research Project, directed by Drs. George Gerbner and Larry Gross, investigated the impact of large doses of violent activity on heavy viewers (4 or more hours per day) versus light viewers (2 hours or fewer per day) in terms of their perceptions of violence in the real world. Heavy viewers were more likely to view the world as a violent place than were light viewers. They overestimated the number of police officers and the amount of violence they were likely to encounter. They were also more likely to regard other people with suspicion. Heavy viewers who were female were more likely than their male counterparts to overestimate their chances of encountering violence.[18]

These findings may reflect the fact that the television world is a more dangerous place for women than it is for men. Regarding the significance of their findings, Gerbner and Gross suggest that they be viewed in terms of the attitudes toward life which televised violence engenders:

> Victims, like criminals, must learn their proper roles, and televised violence may perform the teaching function all too well. Instead of worrying only about whether television violence causes individual displays of aggression in the real world, we should also be concerned about

[18] George Gerbner and Larry Gross, "The Scary World of TV's Heavy Viewer," *Psychology Today*, April 1976, p. 45.

Table 2.14

RACE, SEX AND OCCUPATION OF NONWHITE MAJOR CHARACTERS IN NETWORK DRAMATIC PROGRAMS FROM PRIME-TIME TELEVISION SAMPLE 1974

MALES		FEMALES	
Blacks			
Policeman (2)		Policewoman	
Barber (2)		Nurse	
Junk Dealer (2)		Folk Medicine Practitioner	
Boxer/Forklift Driver/ Electronic Technician		Housewife (3)	
Tribal Chief		Unemployed	
Encyclopedia Salesman/Con-man			
Domestic Help			
Student			
Unemployed			
Number and Percent	13 (65.0%)	Number and Percent	7 (77.8%)
Asian Americans			
Master, Sha-Lin Religious Order		Manager	
Student, Religious Order (2)			
Unknown			
Number and Percent	4 (20.0%)	Number and Percent	1 (11.1%)
People of Spanish Origin			
Mechanic			
Number and Percent	1 (5.0%)	Number and Percent	0 (0.0%)
Native Americans			
Sherrif's Deputy		Unemployed	
Adventurer			
Number and Percent	2 (10.0%)	Number and Percent	1 (11.1%)
TOTAL MALES	20 (100.0%)	**TOTAL FEMALES**	9 (100.0%)

the way such symbolic violence influences our assumptions about social reality.[17]

Their finding that television has cultivated in women a fear of the outside world needs further study. How does this fear operate? Does it limit a woman's decisions to move around freely in her environment? Does she feel that she must be accompanied by a male who will protect her from potential victimization?

A number of studies on the impact of television on black versus white viewers have found that blacks of all ages watch more television than do whites.[18] Concomitantly, blacks watch more of all kinds of

[17] Ibid., pp. 45, 89.

[18] Bradley S. Greenberg, "Children's Reactions to TV Blacks," *Journalism Quarterly*, (Spring 1972), p. 8; Bradley S. Greenberg and Brenda Dervin, *Use of the Mass Media by the Urban Poor* (New York: Praeger Publishers, 1972), p. 34.

Table 2.15

RACE, SEX AND OCCUPATION OF NONWHITE MINOR CHARACTERS IN NETWORK DRAMATIC PROGRAMS FROM PRIME-TIME TELEVISION SAMPLE 1974

MALES		FEMALES	
Blacks			
Doctor (3)		Secretary	
Orderly		Saleswoman (2)	
Businessman		Student	
Storekeeper		Housewife	
Park Ranger		Prostitute (5)	
Game Scout (2)		Unemployed (2)	
Radio Dispatcher		Occupation Unknown (2)	
Postman			
Hotel Clerk			
Bartender			
Waiter			
Butler			
Driver-Manservant			
Garbageman			
Car-Wash Laborer			
Student (2)			
Police Detective (2)			
Investigator			
Policeman (5)			
Police Informant			
Dope Dealer (3)			
Bookmaker			
Unemployed (3)			
Occupation Unknown (4)			
Number and Percent	40 (57.1%)	Number and Percent	14 (87.5%)
Asian Americans			
President of Company		Housewife	
Head of Brewing Company		Occupation Unknown	
Sha-Lin Priest (3)			
Sha-Lin Apprentice			
Sorcerer/Magician			
Tattoo Artist			
Weapon Maker			
Laundry Man			
Student			
Policeman (5)			
Forensic Lab Technician			
Occupation Unknown			
Number and Percent	18 (25.7%)	Number and Percent	2 (12.5%)

Table 2.15 Continued

	MALES		FEMALES
	People of Spanish Origin		
Lawyer			
Messenger			
Butcher			
Farm Worker			
Cowboy			
Outlaw			
Occupation Unknown			
Number and Percent	7 (10.0%)	Number and Percent	0 (0.0%)
	Native Americans		
Hunter (3)			
Unemployed			
Occupation Unknown			
Number and Percent	5 (7.14%)	Number and Percent	0 (0.0%)
TOTAL MALES	70 (100.0%)	**TOTAL FEMALES**	16 (100.0%)

programs than whites, and they also watch more programs featuring blacks.[19] Regarding the impact of heavy viewing, these and other studies report that blacks are more likely than whites to believe that television presents a realistic view of the world.[20]

Research is limited regarding the attitudes which blacks develop towards themselves as a result of their relatively heavy television viewing behavior. Dr. Bradley Greenberg, who has done extensive research on blacks in television, found that black children identify with black television characters and rate them highly in handsomeness, friendliness, and strength.[21] Other questions must be answered by further research. What is the impact on black children of seeing black adults portrayed so frequently as police officers, as criminals, and in a variety of service roles? What is the impact on black girls who see adult black woman who are mostly unemployed and who are frequently prostitutes? What is the effect on children of other minority groups who rarely see adults of their own ethnic background portrayed on television at all?

Greenberg's research on the impact of television's portrayal of blacks on white viewers reveals that white children are more likely than black children to learn about the other race from television. Forty percent of the white children attributed their knowledge about how blacks look, talk, and dress to television. Those white children who had the least opportunity to interact with blacks were most likely to believe that television portrayals of blacks were realistic.[22] In another study, Greenberg found that white viewers who were antagonistic toward militant blacks "saw" more blacks on television than there really were. They were also less likely to watch programs which featured blacks than were whites who held favorable attitudes. Finally, those viewers who reported seeing more blacks were those least likely to watch programs featuring blacks.[23]

Greenberg's finding that viewers who do not interact with other racial groups get their information about them from television has significant implications, given the data on minority group portrayals reported in this chapter. The portrayal of

[19] Bradley S. Greenberg and Gerhard J. Hahnneman, "Racial Attitudes and the Impact of TV Blacks," *Educational Broadcasting Review* (April 1970), p. 31.

[20] Ibid.; Bradley S. Greenberg and Joseph R. Dominick, *Television Behavior Among Disadvantaged Children*, CUP Report No. 9, Department of Communication, Michigan State University (mimeographed), 1969; Greenberg and Dervin, *Use of the Mass Media by the Urban Poor*, pp. 41–42; Jack Lyle and Heidi R. Hoffman, "Children's Use of Television and Other Media," in Eli A. Rubinstein, George A. Comstock and John P. Murray (eds.) *Television and Social Behavior, vol. IV: Television in Day-to-Day Life: Patterns of Use*. (U.S. Government Printing Office, 1972,) pp. 129–256.

[21] Greenberg, "Children's Reactions to TV Blacks," p. 10.

[22] Ibid., p. 11.

[23] Greenberg and Hanneman, "Racial Attitudes and the Impact of TV Blacks," pp. 31–32.

nonwhite characters was limited in scope and frequently stereotyped. What is the effect of these images on the attitudes and behavior of white viewers who rarely, if ever, come into contact with individuals from other ethnic and racial groups? Do these images create or reinforce stereotyped beliefs about others?

The potential impact of the portrayals of bigotry on prejudiced viewers was explored in a case study of "All in the Family." Drs. Neil Vidmar and Milton Rokeach found that viewers perceive in a program what they want to perceive, according to their prior attitudes and beliefs. Thus, highly prejudiced viewers were more likely to admire Archie Bunker and his use of ethnic slurs, to view him as making better sense than his son-in-law, Mike, and winning the arguments with him. Viewers who were low in prejudice had the opposite perception of the show. Moreover, Vidmar and Rokeach found that American adolescents who watched "All in the Family" frequently were more likely than infrequent viewers to be high in prejudice, to admire Archie, and to find nothing wrong with the use of ethnic slurs. Thus, these adolescent viewers might have been watching the show frequently because it reinforces their prejudices. Overall, Vidmar and Rokeach concluded that the program serves more to reinforce preexisting attitudes than to change them.[24] Additional research is needed to explore this issue in more depth and with wider applicability.

Research on television's contribution to children's knowledge of adult occupations is still in its infancy. In a study to assess the differences between information acquired from personal contact versus that gained from television, Professors Melvin and Lois DeFleur reported that children do, indeed, learn from television's occupational portrayals. Moreover, they reported that children more consistently describe the characteristics of occupations they see on television than those they encounter in real life. DeFleur and DeFleur argue that this may be due to television's simplification and stereotyping of occupational roles:

> . . .It can be suggested that TV provides children with much superficial and misleading information about the labor force of their society. From this they acquire stereotyped beliefs about the world of work.[25]

What is the potential impact of the stereotyped beliefs children learn from television? Does the portrayal of men in the full range of occupational roles and women in limited ones affect the small viewer's perceptions of his or her options in the working world? This question is particularly important insofar as television serves as a socializing agent in its presentation of an occupational world with which children have little personal contact.

Currently, Drs. Bradley Greenberg and Charles Atkin are conducting a 3-year research project to study the impact of television on social role learning. The study is designed to answer some of the research questions raised here, one of its major goals being to assess the impact of television on the 8- to 13-year-old child's attitudes toward selected social roles:

> The investigation will focus on children's attitudes toward different sexes and races in occupational roles and family roles. For instance, we plan to assess television's influence on whether children perceive certain work roles as appropriate for men vs. women, or blacks vs. whites; the impact on boys' and girls' expectations about their teenage family roles; and effects on stereotypes of minority group family role relationships.[26]

The race, sex, age, and social class of the children will be used to discover difference in impact. This study appears to be the first of its kind to assess the effects of televised portrayals of men and women (both white and black) on children of both races.

CONCLUSION

Television's portrayal of women and minorities and the potential impact of these portrayals are issues of critical importance to the American society. To the extent that viewers' beliefs, attitudes, and behavior are affected by what they see on television, relations between the races and the sexes may be affected by television's limited and often stereotyped portrayals of men and women, both white and nonwhite. There should be ongoing research to serve as a barometer of change, or the lack of it. The television networks and the production companies

[24] Neil Vidmar and Milton Rokeach, "Archie Bunker's Bigotry: A Study of Selective Perception and Exposure," *Journal of Communication*, 24 (Winter 1974), 36–47.

[25] Melvin L. DeFleur and Lois B. DeFleur, "The Relative Contribution of Television As a Learning Source for Children's Occupational Knowledge," *American Sociological Review* 32 (1967), 789.

[26] Bradley S. Greenberg and Charles K. Atkin, "Parental Mediation of Children's Social Learning from Television," A Proposal submitted to the Office of Child Development; Michigan State University, pp. 1 and 2. Mimeographed.

must be alerted to the potential harm which may result from programs that portray women and minorities in stereotyped ways. Extensive research on the impact of these portrayals must be designed and conducted, not only to assess effects but also to explore ways to mitigate them.

CHAPTER 3

Women and Minorities in Network Television News

Television news is the major source of information about politics, the economy, international affairs, and social problems for a majority of the American public. More than 25 million households are tuned to one of the three networks for the evening news each night. ABC news reaches about 7 million homes and CBS and NBC each attract an additional 10 million households.[1]

Television news not only reports the events of the day but also plays a role in setting the national agenda. In addition, it confers status and importance on those individuals and events which make the news. Paul Lazarsfeld and Robert Merton have argued that the "status-conferral function" of the mass media makes those in the news appear prestigious. They suggest that mass media audiences draw the following conclusions about those selected by the press, radio, or television: "If you really matter, you will be at the focus of mass attention and, if you *are* at the focus of mass attention, then surely you must really matter."[2]

The Kerner Commission in its report on the causes of civil disorders suggested that the news media should play a different function, that is, to condition the viewer's expectations of what is "ordinary and normal" in society. The Commission found that blacks were not presented in the news "as a matter of routine and in the context of the total society. . . ."[3] Instead, they appeared primarily in the context of disorder. Failure to portray blacks as ordinary and normal people, the Commission argued, has contributed to the "black-white schism in this country."[4]

The popularity of network television news, the role it plays in providing Americans with a major source of information about current events, and its potential to confer either status or acceptability raises questions about the way it conveys information about women and minorities. Do issues involving minorities and women make the news agenda? To what extent do they report the news? In what capacities do minorities and women make the news? In order to systematically examine the treatment of these issues, a composite week of evening news broadcasts of the three commercial networks, ABC, CBS, and NBC, was analyzed for this study. The news programs were broadcast on five widely scattered dates, randomly selected from March 1974 to February 1975.[5] Videotaped cassettes and copies of the abstracts for each news program were obtained from the Vanderbilt University Television News Archives. The abstracts were used for determining each program's constituent stories. In all, 15 network news programs, 5 from each network, were analyzed. The news programs were coded at Drexel University under the supervision of Albert S. Tedesco.

The content analysis explored three components of a news story: 1) the topic; 2) the correspondent; 3) the newsmaker.

TOPICS OF NEWS STORIES

A total of 230 news stories were broadcast on the 15 programs analyzed. CBS reported the most, 87 or 37.8 percent, followed by ABC, 75 or 32.6 percent,

[1] "The First Amendment and the Fifth Estate; The Network Evening News: Showcase of Electronic Journalism," *Broadcasting*, Jan. 5, 1976, p. 70.

[2] For a discussion of the status-conferral function of the mass media, see Paul F. Lazarsfeld and Robert K. Merton, "Mass Communication, Popular Taste and Organized Social Action," *Mass Culture: The Popular Arts in America*, eds. Bernard Rosenberg and David Manning White (New York: The Free Press, 1957), pp. 461–62.

[3] *Report of the National Advisory Commission on Civil Disorders*, Otto Kerner, Chairman (New York: Bantam Books, 1968), p. 383 (hereafter cited as *Kerner Commission Report*).

[4] Ibid.

[5] Calendar dates were selected from a table of random numbers. The first two digits of 4-digit combinations represented the month and the latter two digits, the day of the month. The first five pairs of 2-digit numbers which corresponded with a Monday, a Tuesday, a Wednesday, a Thursday, and a Friday in 1974 and 1975 comprised the composite sample week. The following dates were selected: Mar. 7, 1974; June 28, 1974; Aug. 5, 1974; Nov. 20, 1974; and Feb. 4, 1975.

and NBC, 68 or 29.6 percent. To examine the extent to which network news provides information about civil rights issues or events pertinent to minorities and women, an inventory was developed for classifying each news story.[6] This included the issues of civil rights and discrimination against minorities or women as well as two categories of stories which described their presentation. The first covered reportage of their achievements or accomplishments in the public or private sector, and the second covered social, economic, or political victimization of women and minorities.

Out of 230 stories, 9 dealt with issues or events pertaining to minorities and 3 were pertinent to women. The evacuation of a group of Menominee Indians from a monastery in Wisconsin was reported by all three networks. An NBC story about former FCC Commissioner Nicholas Johnson's bid for the Democratic nomination in a congressional primary race also described the failure to provide voting facilities on an Indian reservation. ABC and NBC carried coverage of President Ford's meeting with civil rights leader Leon Sullivan on black unemployment and the problems of the poor. The only coverage of school desegregation on the sampled newscasts was provided in a CBS story about United States Commissioner of Education Terrell Bell's discussion of it. Two special reports on NBC dealt with issues pertinent to minorities: one concerned a Federal food program for rural blacks and the other related to the 40th anniversary of public housing. Finally, the three stories of particular interest to women included ABC and CBS coverage of the Food and Drug Administration's ruling which suspended sales of the Dalkon Shield, an intrauterine birth control device; the other was about Senate hearings on abortion, broadcast by ABC.

Stories about the economy, foreign affairs, and Watergate occurred most frequently on the sample programs. Among the issues which received the least attention were discrimination, sports, ecology, and religion. None of the news stories were about the achievements of minorities and women in the United States. The only story which came close to this subject was coverage of Margaret Thatcher's victory as the head of the Conservative Party in England.

NEWS CORRESPONDENTS

To study the extent to which women and minorities report television network news, the sex and ethnicity of each correspondent was identified. There were 85 correspondents who reported the news in the sampled newscasts. Of these, white women accounted for 8.2 percent, nonwhite women accounted for 3.5 percent, and nonwhite men accounted for 2.4 percent. Seven female correspondents were white, two were black, and one was Asian American. The two nonwhite male correspondents were both black and appeared on ABC and CBS, respectively. Over half of all the female correspondents were on NBC newscasts, where females accounted for 6 of the 27 correspondents (22.2 percent). There was only one white female correspondent on ABC. The two black females and one Asian American female appeared on NBC and CBS, respectively. (See table 3.1 for data on the sex and race of correspondents.)

The 85 correspondents made a total of 131 appearances on the sampled newscasts. White males appeared 116 times, accounting for 88.6 percent of all correspondent appearances; 12 of the 73 white male correspondents appeared 3 times or more on the sampled newscasts. Three female correspondents appeared twice, and neither of the minority male correspondents appeared more than once. The repeated appearances of white male correspondents can be attributed to the fact that they covered the newsworthy "beats" (e.g., the Watergate hearings, the White House, and the economy).

The stories receiving the greatest attention on all three networks were rarely reported by minority and female correspondents. One measure of a story's importance is its position in the program. The first three stories are considered the most important and receive greatest emphasis in terms of length and visuals.[7] Of the 45 stories which comprised the first three segments of the news for this sample, only 1 story (about former President Nixon's resignation) was reported by a white female.

Minority and female correspondents reported 15 stories in all. They were more likely to report stories on issues pertinent to minorities and women, and, as noted earlier, such stories were treated infrequently

[6] A list of 29 themes and issues which typically describe network news stories was compiled by reviewing other news content analyses. The following sources provided valuable insights for constructing the inventory of themes: National Organization for Women, Nat. Cap. Area Chapt., *Women in the Wasteland Fight Back*, 1972; G. Ray Funkhouser, "Trends in Media Coverage of the 60's," *Journalism Quarterly* (Autumn 1973), 533–38; Robert S. Frank, *Message Dimensions of Television News* (Lexington, Mass.: Lexington Books, 1973).

[7] For a discussion of this point, see Richard A. Pride and Daniel H. Clarke, "Race Relations in Television News: a Content Analysis of the Networks," *Journalism Quarterly* 50 (1973): 320.

Table 3.1

PROPORTION OF CORRESPONDENTS BY RACE AND SEX

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
White	73	85.9	7	8.2	80	94.1
Nonwhite	2	2.4	3	3.5	5	5.9
TOTAL	75	88.2	10	11.8	85	100.0

Source: The data in this and subsequent tables in this chapter were based on data obtained from Albert S. Tedesco, Drexel University. The proportionate distribution of nonwhite characters by sex versus white characters by sex is statistically significant, that is, there were proportionately more nonwhite females in comparison to nonwhite males than white females in comparison to white males. $\chi^2 = 7.5$, $p = < .01$, 1 df. See Sidney Siegel, *Nonparametric Statistics* (New York: McGraw-Hill, 1956), p. 109.

on the sampled newscasts. Of the seven correspondents covering stories about health, education, and welfare or housing problems, three were white females, two were black males, and one was a black female. One of the minority male correspondents delivered the story about Senate abortion hearings, and the other, together with a white female correspondent, gave a report on the suspension of the Dalkon Shield. One black and one white female correspondent appeared on NBC's special reports on feeding the poor and on the 40th anniversary of public housing, respectively. The reporter for the latter story also reported on the scarcity of food in Ethiopia and other African countries. On NBC and CBS, white female correspondents covered the stories about the evacuation of the Menominee Indians.

Seven out of the 218 stories which were not specifically related to issues or events involving minorities and women were reported by four white female correspondents, one Asian American female, and one black female. These included coverage of the impeachment hearings, Richard Nixon's resignation, the confirmation of Vice President Rockefeller, a report on new sources of energy, a kidnapping, and the fighting on Cyprus.

In sum, white males outnumbered minority and female correspondents by almost nine to one. Minority and female correspondents rarely covered crucial national stories but tended to cover issues related to minorities' or women's interests, topics which were infrequently treated in the sample.

NEWSMAKERS

The third aspect of the analysis of television network news focused on newsmakers—Americans who make the news. To be coded as a newsmaker, an individual had to be identified by the anchorperson or the correspondent and appear either in slides, graphics, or film and tape segments of the news story.

A total of 141 newsmakers appeared on the network news broadcasts sampled. Of these, 9.9 percent were white females, 7.8 percent were nonwhite males, and 3.5 percent were nonwhite females. White males constituted 78.7 percent of all newsmakers. (See table 3.2.)

Nonwhite males made the news with equal frequency on all three networks. Four of the five nonwhite females appeared on NBC's special reports devoted to nutrition and public housing. No nonwhite female newsmakers appeared on ABC. Interestingly, while the highest proportion of nonwhite female newsmakers and white female correspondents appeared on NBC, that network had the fewest white female newsmakers.

Because there were so few minority newsmakers represented in the sample, the data were aggregated into groups of nonwhite males and nonwhite females. The 11 nonwhite male newsmakers included 6 blacks, 4 men of Spanish origin, and 1 Native American. All five nonwhite female newsmakers were black. Consistent with the data on entertainment programming, nonwhite males and females were underrepresented as newsmakers.

Newsmakers appeared in 96 of the 230 stories in the sample (41.7 percent). At least one nonwhite male, nonwhite female, or white female appeared in 26 stories (27.1 percent). The 141 individual newsmakers made a total of 246 appearances. Some of the newsmakers (e.g., the President, Watergate burglars, government officials) appeared in the news several

Table 3.2

PROPORTION OF NEWSMAKERS BY RACE AND SEX

	MALE		FEMALE		TOTAL	
	No.	%	No.	%	No.	%
White	111	78.7	14	9.9	125	88.7
Nonwhite	11	7.8	5	3.5	16	11.3
TOTAL	122	86.5	19	13.5	141	100.0

The proportion of male and female newsmakers by race was not significantly different, $\chi^2 = 3.32$, $p = > .05$, 1 df.

times and on more than one network during the course of the period sampled.

Newsmaker Roles

To determine the capacity in which minorities and women appeared in the news, newsmakers were categorized either as government officials, public figures, criminals, or as private individuals. Government officials were those newsmakers who appeared in news stories in an official capacity on the Federal, State, or municipal levels. Included in this category were the President, Members of Congress, and governmental agency personnel, among others. Public figures were individuals from the private sector who were either well known celebrities or appeared on the news because of their actions in the public arena. These included entertainers and sports figures, religious leaders, nonincumbent candidates for office, and experts on public issues. Criminals were individuals who were already incarcerated for crimes, who had been indicted, or who were on trial. Finally, private individuals were those newsmakers deemed newsworthy because of their relation to an issue or event of public importance.

Government officials were the most frequently covered, representing 46.8 percent of all newsmakers. Sixty-two (93.9 percent) of the newsmakers in this category were white males. Congresswomen Elizabeth Holtzman and Barbara Jordan were the only female government officials in the sample. They appeared in a CBS story on the confirmation of Vice President Rockefeller. The two nonwhite male government officials were a Justice Department official and a member of the Detroit Human Resources Council.

About one-fifth of the newsmakers were public figures. Of these, 18 (69.2 percent) were white males, including Marlon Brando, who appeared in the Menominee Indian story; Cardinal Krol, who testified against the Supreme Court abortion decision; and Nicholas Johnson, whose defeat in a congressional primary race was disputed because of the failure to install voting facilities on an Indian reservation.

White females constituted one-fifth of the public figures. Mrs. Nixon appeared on all three networks' coverage of the former President's trip to the 1974 Moscow summit meeting. Other public figures included Jacqueline Onassis, who was mentioned in a story about her late husband's illness; rock singer Cass Elliott, who died of a heart attack; Professor Barbara McNeal, who testified at the Senate's abortion hearings; and Dr. Elizabeth Connell of Planned Parenthood, who appeared in one of the stories about the Dalkon Shield.

The three nonwhite male newsmakers classified as public figures appeared in stories about economic issues. The Reverend Leon Sullivan appeared in two stories about his meeting with President Ford on the effects of economic policies on blacks. Two black football players made the news in a story about the National Football League's strike. There were no nonwhite female public figures.

Fifteen criminals, all of whom were male, constituted 10.6 percent of all newsmakers. The 11 white criminals were all associated with Watergate or the break-in of Daniel Ellsberg's psychiatrist's office. Three of the four nonwhite criminals were Cuban Americans involved with the Watergate burglary. The fourth was a prisoner who was killed in an escape attempt from a Texas State prison.

Private individuals made the news in human interest and feature stories. There were 34 (24.1 percent) private individuals in the newscasts sampled. These included 20 white males, who were business executives, parents, or kidnapping victims. Over half (57.1 percent) of the white female newsmakers were private individuals. The circumstances which made them newsworthy often focused on

Table 3.3

PROPORTION OF NEWSMAKER ROLES BY RACE AND SEX

	GOVERNMENT OFFICIAL		PUBLIC FIGURE		CRIMINAL		PRIVATE INDIVIDUAL	
	No.	%	No.	%	No.	%	No.	%
WHITE								
Male	62	93.9	18	69.2	11	73.3	20	58.8
Female	1	1.5	5	19.2	0	0.0	8	23.5
NONWHITE								
Male	2	3.0	3	11.5	4	26.7	2	5.9
Female	1	1.5	0	0.0	0	0.0	4	11.8
TOTAL	66	99.9	26	99.9	15	100.0	34	100.0

Table 3.4

CONCENTRATION OF NEWSMAKERS BY RACE AND SEX IN NEWSMAKER ROLES

	WHITE				NONWHITE			
	Male		Female		Male		Female	
	No.	%	No.	%	No.	%	No.	%
Government Official	62	55.9	1	7.1	2	18.2	1	0.7
Public Figure	18	16.2	5	35.7	3	27.3	0	0.0
Criminal	11	9.9	0	0.0	4	36.4	0	0.0
Private Individual	20	18.0	8	57.1	2	18.2	4	80.0
TOTAL	111	100.0	14	99.9	11	100.1	5	100.0

their roles as wives and mothers: two wives of congressional candidates appeared; a mother was interviewed regarding her son's right to wear long hair to school; a middle-class woman whose husband had lost his job was interviewed about her attitude toward the use of food stamps. The other four white women in this category made the news as victims or bystanders to the Texas State prison shootout.

Four of the five black female newsmakers were private individuals. The nutrition problems of three black women were discussed on NBC's report about feeding the rural poor, and a fourth woman was interviewed about life in a housing project on that network's story devoted to the 40th anniversary of public housing.

The two nonwhite males appearing as private individuals were a Native American who was interviewed about voting facilities on an Iowa Indian reservation and a black who was a bystander at the scene of a building collapse in Florida. (See tables 3.3 and 3.4 for data on the roles of newsmakers by race and sex.)

In sum, white males constituted the overwhelming majority of newsmakers in each of the four categories studied. Their presence as government officials was particularly evident—44 percent of all newsmakers were white males in an official capacity. With the exception of Congresswoman Holtzman and the two women who appeared as experts on abortion and contraceptives, the majority of white women made the news as wives or mothers. Of all newsmakers, nonwhite females appeared least often. Except for Congresswoman Jordan, nonwhite women were presented as the victims of economic deprivation. Interestingly, some of the nonwhite male newsmakers were seen on the news because of their attempts to redress the effects of economic or political victimization.

DISCUSSION

Very few stories in the network evening news treated topics related to minorities or women, and none focused on their achievements or accomplishments. Minorities and women rarely appeared as newsmakers and, furthermore, rarely served as correspondents. Nevertheless, certain patterns emerged, some of which have been observed by several analysts of the news media.

Only two stories about women's issues were reported, and, with one exception, they provided the only contexts for the presentation of female newsmakers in an authoritative capacity. Typically, white women appeared in the news as the wives of government officials, public figures, or private individuals.

In a study which compared the roles of women and men as depicted in newspaper photographs, Susan Miller describes a similar pattern:

> Photos of women show them primarily as spouses or socialites. Coverage of women's sports, activism, or professional activities is negligible by comparison, and falls far behind coverage of similar activities for men.[8]

Similarly, Letty Cottin Pogrebin, in an article on television news and women, concluded that the networks rarely provide news pertinent to women and usually identify female newsmakers by their relationship to the men in their lives.[9]

The media committee for the National Commission on International Women's Year issued a series of guidelines regarding treatment of women in the news. One of the Commission's recommendations follows from the finding that women are rarely represented accurately in the media:

> The present definition of news should be expanded to include more coverage of women's activities, locally, nationally, and internationally. In addition, general news stories should be reported to show their effect on women. For example, the impact of foreign aid on women in recipient countries is often overlooked, as is the effect of public transportation on women's mobility, safety, and ability to take jobs.[10]

Only four stories relevant to blacks occurred in the sample. Black newsmakers, both male and female, were portrayed primarily in association with stories about their economic victimization, the major kind of story about blacks. Within this context, the black males were presented as working toward effecting change, whereas the black females were presented primarily as victims. The only black newsmakers who did not appear in stories about economic victimization were two sports figures and Congresswoman Jordan, who was the only black government official.

The presentation of blacks in the news has been a subject of concern ever since the Kerner Commission pointed out the media's failure to present blacks on a routine basis as members of society. In an analysis of the news media's coverage of blacks, William Rivers argued that blacks are portrayed primarily in terms of their "plight" and "The everyday world of the Negro and the continuing substance of Negro life in the United States seem to matter not at all."[11] A 1975 study of blacks in the news conducted by Churchill Roberts reported that blacks continue to appear in the news very infrequently. Those who do make the news appear primarily in civil rights-related stories, especially those about school desegregation.[12]

Men of Spanish origin appeared in the sample news programs only as criminals. In addition to the Cuban Americans who were involved in the Watergate break-in, the only other newsmaker of Spanish origin was a prisoner. The two stories relevant to Native Americans dealt with the denial of their voting rights and the evacuation of Indians from a Wisconsin monastery. The latter story reported the culmination of the 34-day occupation of the monastery, but no Native Americans appeared in the story. Marlon Brando and Father James Groppi were the major newsmakers for this story. Asian Americans and minority women other than blacks did not make the news at all. Furthermore, none of the stories dealt with topics or events about them.

In sum, women and minorities rarely make the news. Most newsmakers are white male government officials and public figures. According to Gaye Tuchman in a recent study of television, these

[8] Susan H. Miller, "The Content of News Photos: Women's and Men's Roles," *Journalism Quarterly* 52 (1975): 75.

[9] Letty Cottin Pogrebin, "Ten Cogent Reasons Why TV News Fails Women," *TV Guide*, Oct. 4, 1975, pp. A5–A6.

[10] Committee on Media, National Commission on the Observance of IWY, "Guidelines for the Treatment of Women," Feb. 27, 1976, p. 3. Mimeographed.

[11] William L. Rivers, "The Negro and The News: A Case Study," in *The Process and Effects of Mass Communications*, rev. ed., eds. Wilbur Schramm and Donald F. Roberts (Urbana: University of Illinois Press, 1971), p. 154.

[12] Churchill Roberts, "The Presentation of Blacks in Television Network Newscasts," *Journalism Quarterly* 52 (1975): 55.

individuals constitute primary news sources for reporters.[13] In order to attract the camera's eye, those on the periphery have learned how to stage events for news media consumption. In their analysis of what kinds of stories make the news, Harvey Molotch and Marilyn Lester describe the process by which groups who lack power and routine access to the media get news coverage: ". . .[B]y virtue of their lack of power, they must typically assemble themselves in an inappropriate place at an inappropriate time in order to be deemed 'newsworthy.'"[14]

The occupation of the Wisconsin monastery is an example of this phenomenon. Such protests are designed not only to attract media attention but also to serve as a platform for the presentation of issues of concern to the protesting group. However, the "inappropriateness" of the event allows the media to focus on the demonstration and to gloss over the underlying issues. According to Neil Hickey in his series of articles on television coverage of the occupation at Wounded Knee by the American Indian Movement, the drama of the protest captured all the attention. Although the organizers of the seizure provided reporters with materials on the plight of the Native Americans on the reservation and held briefings and press conferences to discuss the issues which provoked their demonstrations, the network news coverage barely scratched the surface of the dramatic confrontation.[15]

Each network employs a number of minority and female correspondents. However, they rarely appeared in the sampled newscasts. Joel Dreyfuss, in his article on "Blacks and Television," argues that black reporters do not get the choice assignments. Furthermore, the lack of blacks in decisionmaking capacities limits coverage of stories pertinent to them.[16] Bill Matney, an ABC correspondent, pointed out that these issues tend to be ignored: "The happenings in the black community, the things that are going on on Capitol Hill that relate to blacks get very little attention."[17] Bernard Shaw, a correspondent for CBS, commenting on the infrequency of news about all minorities said: "Personally, I wish we were carrying more stories, not just about blacks but about Puerto Ricans, Mexican Americans and Indians."[18]

According to Judith Hennessee in an article on women in the news, issues relevant to women, such as equal employment opportunity, are also ignored because those in decisionmaking positions deem them unnewsworthy. Sylvia Chase, a CBS correspondent, claimed that efforts to persuade news executives of the importance of indepth treatment of stories of particular interest to women were unproductive. She said, "If women were in policymaking positions stories such as these might be covered."[19]

While relatively few minority and female correspondents appeared in the network newscasts analyzed here, it may well be that they will appear more frequently in 1977 than they did in the period sampled—1974 and 1975. This study concentrated on network news, but the use of minority and female correspondents and news coverage about minorities and women on the local level may present a different picture. Increasingly, minority and female correspondents and anchorpersons are appearing on the 6 o'clock news in major markets.[20]

To the extent that network news provides information about significant events and issues and important people in American society, this study of network news indicates that minorities and women were considered to be neither significant nor important. They did not make the news nor were stories reported that relate directly to their activities and achievements. Consequently, their exclusion from the national scene, as it was recorded by the networks, suggests to the Nation that minorities and women may not matter.

[13] Gaye Tuchman, ed., *The TV Establishment: Programming for Power and Profit* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1974), pp. 31-33.

[14] Harvey Molotch and Marilyn Lester, "Accidents, Scandals and Routines: Resources for Insurgent Methodology" in Tuchman, *The TV Establishment*, p. 57.

[15] Neil Hickey, "Only the Sensational Stuff Got on the Air," part 2 of a 4-part series, "Was the Truth Buried at Wounded Knee?" *TV Guide*, Dec. 8, 1973, p. 37.

[16] Joel Dreyfuss, "Blacks and Television Part III: Presence Without Power," *Washington Post*, Sept. 3, 1974, p. B1 (hereafter cited as "Presence Without Power").

[17] Ibid.

[18] Ibid.

[19] Judith Hennessee, "TV: Some News Is Good News," *Ms.*, July 1974, p. 28.

[20] The following articles discuss minority and female correspondents in the Washington, D.C., market: Judy Flander, "The D.C. Anchorwomen," *Washington Star*, Aug. 4, 1975, p. C1; Joel Dreyfuss, "Fred Thomas: Portrait of a Man in Transition," *Washington Post*, Feb. 3, 1975, p. C1; Dreyfuss, "Presence Without Power," p. B1; Dreyfuss, "A Handy Anchor," *Washington Post*, Mar. 29, 1976, p. B1.

CHAPTER 4

The Federal Communications Commission:

Regulation of Programming in the Public Interest

THE NEED FOR BROADCAST REGULATION

The television programs viewed daily by millions of Americans are intended to serve the public interest. The Federal agency charged with the responsibility to assure that they do is the Federal Communications Commission (FCC).[1] The need for Federal regulation of radio and television programming lies in the inherent limitations of these media. They are not available to everyone; when they were, chaos resulted.

When radio was in its infancy, Congress adopted the Radio Act of 1912,[2] giving the Department of Commerce responsibility for granting licenses to operate radio stations to any and all applicants. Demand for licenses was so great that unassigned frequencies were soon exhausted. In an attempt to accommodate every applicant, many stations were assigned to the same frequencies. By the mid-1920s so many stations were on the air and interference was so great that listeners had difficulty receiving clear and consistent broadcast signals.[3] Stations assigned to the same frequency were supposed to broadcast at different times so as not to interfere with each other, but a 1926 court of appeals decision made the Secretary of Commerce powerless to enforce frequency, power, and broadcast hour assignments. The court reasoned that the Secretary had no standard to guide him in making regulatory decisions.[4]

Radio licensees demanded regulation. Radio audiences would not grow—indeed radio set sales had begun to decline[5]—if stations could not provide an audible program service. Although broadcasters were primarily interested in being regulated in order to protect their private interests, the Radio Act of 1927, which established the Federal Radio Commission, made the public interest the standard by which the industry was to be regulated.[6]

The Communications Act of 1934 established the FCC and expanded the Government's regulatory jurisdiction to include both wire and wireless communications, both interstate and foreign.[7] It also retained the public interest as the central standard by which radio and, later, television were to be regulated.[8]

Broadcasters are in business to make money and obviously have a private interest to pursue. However, the Supreme Court has affirmed that the holding of a license is subject to service in the public interest and that it is the role of the FCC to grant and withhold licenses based on that doctrine:

> The policy of the Act is clear that no person is to have anything in the nature of a property right as a result of the granting of a license. Licenses are limited to a maximum of three years' duration, may be revoked, and need not be renewed. Thus the channels presently occupied remain free for a new assignment to another licensee in the interest of the listening public.

[1] The FCC also regulates radio broadcasting, cable, and common carriers, 47 U.S.C. §151, 1970.
[2] Act of Aug. 13, 1912, ch. 287, §1, 37 Stat. 302.
[3] Sydney W. Head, *Broadcasting in America*, 2nd ed. (New York: Houghton Mifflin, 1972), p. 157.
[4] U.S. v. Zenith Radio Corp., 12 F. 2d 618 (1926).
[5] Head, *Broadcasting in America*, p. 158.
[6] Act of Feb. 23, 1927, ch. 169, §4, 44 Stat. 1162.
[7] Act of June 19, 1934, ch. 652, §1, 48 Stat. 1064.
[8] *Id.*, at §303.

> Plainly it is not the purpose of the Act to protect a licensee against competition, but to protect the public.[9]

The FCC regulates local broadcasters, but it does not regulate the networks. Local broadcasters use the public airwaves; radio and television networks do not. Instead, they provide program packages for the local stations which affiliate with them. Although local stations broadcast programs which they produce locally or acquire from other sources, most of their programs come from the networks. Under the Communications Act, local stations are held accountable to the FCC for the program service they provide, regardless of its source. The standard used by the FCC to determine accountability is the public interest, convenience, and necessity.[10]

In keeping with its mandate to assure that the public is being served by radio and television licensees, the FCC has allocated licenses in such a way as to provide local service to as many communities as possible. In the early days the vast majority of the radio licenses were granted to low-power stations whose daytime signals could not reach many miles beyond their transmitters. When television arrived, the FCC allocated the very high frequency (VHF) spectrum (channels 2–13) in order to spread the licenses to as many communities as possible. Although larger communities were assigned several channels, this was done only when channels were also available for smaller communities. By 1945 the FCC had reserved all of the available VHF channels, despite the fact that many were to remain unused for a long time due to lack of entrepreneurial willingness to establish stations. Later, to increase the availability of stations, the FCC promoted the use of the ultra high frequency (UHF) spectrum (channels 14–83).[11]

The goal of such a policy was local program service. The FCC envisioned stations owned and operated by local residents who, knowing their communities, could presumably provide this service better than absentee owners. To foster this end, it limited the number of stations anyone could own to no more than seven AM, seven FM, and seven TV stations (only five of which may be VHF). Moreover, in a contest between a local owner and an absentee owner, the former is to be given preference.[12]

The policy of local ownership, however, has not been achieved. Between 1956 and 1965 the number of stations operated by a single owner decreased markedly (from 252 to 196), particularly in the larger and more profitable markets.[13] The corporations that operate the networks own the maximum number of television stations and, not surprisingly, their stations are all located in the largest markets—such as New York, Chicago, Los Angeles, and Philadelphia—where the potential profits are the greatest.

Not only has the FCC's goal of local station ownership failed to materialize, but it has been argued that the policy has actually increased the power of the biggest nonresident owners of them all—ABC, CBS, and NBC. According to Roger G. Noll, Merton J. Peck, and John J. McGowan in their study, *Economic Aspects of Television Regulation,* for the Brookings Institution, the FCC's application of the "localism doctrine" to a proposal to reallocate licenses on a regional rather than a local basis had the direct effect of limiting the number of networks to three.[14]

The FCC had allocated channels so that most communities were served by no more than three commercial channels, just enough to provide affiliates for each of the three networks. The stations which broadcast on these channels served relatively small areas—the city of license and the surrounding suburbs. Dumont, a company that manufactured television sets and was a potential competitor to the big three, wanted to establish a fourth network but could not acquire enough affiliates to make it economically viable. Therefore Dumont proposed that the FCC adopt a new allocation scheme. Instead of dividing the available frequencies so that every community could have local service, Dumont argued that frequencies should be allocated to serve large regions, encompassing several cities or even States. In this way, every television household could receive programs on as many as seven different VHF channels without interference, instead of being limited, in most communities, to only two or three VHF channels. Seven powerful stations serving a region, under Dumont's scheme, would presumably provide more diversified program service to more viewers than would dozens of relatively weak stations.

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[9] F.C.C. v. Sanders Brothers Radio Station, 309 U.S. 470, 475 (1940).
[10] 47 U.S.C. §307 (1934, as amended).
[11] Roger G. Noll, Merton J. Peck, and John J. McGowan, *Economic Aspects of Television Regulation* (Washington, D.C.: The Brookings Institution, 1973), pp. 100–02.
[12] Ibid., p. 104.
[13] Ibid., p. 105.
[14] Ibid., p. 101.

The FCC rejected this proposal, retaining the local station concept and asserting that viewers would be better served by having a local station that would be responsible to local needs than by having a national television assignment plan which would assign six or seven commercial VHF channels to large regions. Dumont's plans for a fourth network were stymied and the power of the three national networks, which had already lined up most of their affiliates, was assured. The ultimate effect would be fewer program options for the Nation's viewers.[15]

PROGRAMMING AND THE PUBLIC INTEREST

The public interest standard is the major criterion used by the FCC to formulate policy regarding the programming service of its licensees. Although the FCC is explicitly prohibited by the Communications Act from censoring programs,[16] its regulation of broadcasting through the public interest criterion has made it necessary for the FCC to concern itself with programming. The allocation of a relatively small number of licenses to a relatively large of number of applicants requires that decisions be made regarding the merits of the service which competing applicants intend to offer.

The FCC's authority to set policy and promulgate rules regarding programming has been challenged by broadcasters as an infringement on first amendment rights. However, the FCC's right to regulate in this area has been affirmed by the Supreme Court, most notably in *National Broadcasting Co.* v. *United States.* There, the Court stated:

> . . .[T]he [Communications] Act does not restrict the Commission merely to the supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic. The facilities of radio are not large enough to accommodate all who wish to use them. Methods must be devised for choosing from among the many who apply. . . .
>
> . . .If the criterion of "public interest" were limited to [financial and technical issues], how could the Commission choose between two applicants for the same facilities, each of whom is financially and technically qualified to operate a station?[17]

The FCC has developed three standards for public interest programming: it should serve local needs, it should be well-rounded, and it should be fair. In its *Network Programming Inquiry,* among 14 categories of programming which serve the public interest, the FCC listed the first two as the opportunity for local self-expression and the development and use of local talent.[18] Elsewhere in the statement it declared that a major element of the broadcaster's service to the local community is ". . .a diligent, positive, and continuing effort to discover and fulfill the tastes, needs, and desires of his service area."[19] Ascertainment of these needs, tastes, and desires has since been institutionalized at the local level.[20]

The ideal of a well-balanced program service designed to serve all important segments of the audience was first promulgated in 1929 by the Federal Radio Commission (FRC) in its *Great Lakes Broadcasting Co.* report. There, the FRC argued that the entire listening public is to be served by a station:

> If. . .all the programs transmitted are intended for, and interesting or valuable to, only a small portion of that public, the rest of the listeners are being discriminated against.[21]

In its *Network Programming Inquiry,* the FCC reiterated its concept of full and diversified programming by listing among the 14 programming categories, editorialization by licensees, children's programming, and service to minority groups.[22]

Fair and impartial programming is also encouraged by the FCC. As with full and diversified programming, the doctrine of fairness was first promulgated in the *Great Lakes Broadcasting Co.* case, in which the FRC stated that the "public interest requires ample play for the free and fair competition of opposing views. . .[in] all discussions of issues of importance to the public."[23]

Fairness in programming, commonly known as the fairness doctrine, is an affirmative duty of broadcasters. The essential element of the fairness doctrine is that it is the duty of broadcasters to air all sides of controversial issues of public importance. To present

[15] Ibid.
[16] 47 U.S.C. §326 (1934, as amended).
[17] 319 U.S. 190, 215, 216, 216-217 (1943).
[18] Report and Statement of Policy Re: Commission En Banc Programming Inquiry, 44 FCC 2303, 2314, (1960) (hereafter cited as En Banc Programming Inquiry).
[19] *Id.*
[20] To facilitate the ascertainment process, the FCC has issued a primer to all broadcasters. Ascertainment of Community Problems by Broadcast Applicants, 41 Fed. Reg. 1372, Jan. 7, 1976.
[21] 3 FRC Ann. Rep. 34 (1929), *rev'd. on other grounds* 37 F.2d 993, (1930) *cert. dismissed* 281 U.S. 706(1930).
[22] En Banc Programming Inquiry, p. 2314.
[23] 3 FRC Ann. Rep. 34 (1929).

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only one side of a controversial issue or to avoid discussion of the controversy altogether is not in the public interest.

In its report, *Editorializing by Broadcast Licensees*, the FCC stated its policy with regard to the fairness doctrine:

> . . .[W]e have recognized. . .the paramount right of the public in a free society to be informed and to have presented to it for acceptance or rejection the different attitudes and viewpoints concerning [the] vital and often controversial issues which are held by the various groups which make up the community. It is this right of the public to be informed, rather than any right on the part of the Government, any broadcast licensee, or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting.[24]

Broadcasters have argued that the fairness doctrine limits their first amendment freedom of speech, but the Supreme Court upheld the FCC's view that the doctrine actually enhances freedom of speech in that, ideally, it provides access to the airwaves to those whose views might not otherwise be heard:

> It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the Government itself or a private licensee. . . .
>
> . . .It does not violate the First Amendment to treat licensees given the privilege of using scarce radio frequencies as proxies for the entire community, obligated to give suitable time and attention to matters of great public concern.[25]

REGULATION OF PROGRAMMING

Every 3 years the FCC evaluates licensee performance in the public interest and compliance with programming rules and regulations. The Broadcast Branch of the Renewal and Transfer Division of the Broadcast Bureau reviews program logs and programming reports to assure that the licensee's program service is in the public interest. To comply with the FCC's emphasis on local programming, licensees submit a list of 10 problems which are important in their communities and describe typical programs designed to explore issues related to those problems. These programs are usually locally-produced public affairs shows. Licensees also project the types of programs they plan to produce during the upcoming license period.[26] The local station licensee is responsible for the network programs it broadcasts. However, the FCC's concern for localism has resulted in an emphasis on reporting locally-produced programs. Thus, network programs are not reviewed for their public interest potentiality.

The FCC processes 2,400 license renewal applications each year, normally on a pro forma basis. Rarely does it determine that a broadcaster is not serving the public interest. Between 1934, the year the FCC was established, and 1968, only 43 of approximately 50,000 license renewal applications had been denied.[27]

In their book-length study of the license renewal process, former Commissioners Kenneth Cox and Nicholas Johnson concluded that it is a ritualistic "sham":

> The process of review. . .is a ritual in which no actual review takes place. Every two months, a geographical block of broadcast license renewals are presented to the Commission's staff. Each batch of renewals contains all the licenses within an area of up to three States. The licensees file their answers in lengthy forms. . . .They specify the percentage of their programming which will be devoted to news, to public affairs, and to other matters exclusive of entertainment and sports. They submit logs of the programs they carried during 7 days from the preceding year selected at random by the staff—the "composite week." The licensees describe the more-or-less unscientific method they have employed to divine the needs of their community. These needs are often unspecified. When specified, they often have little relation to the programming decisions the licensee has made. This entire ritual. . .is a sham.[28]

LICENSE CHALLENGES ON PROGRAMMING

Increasingly, public interest groups are challenging the license renewal of broadcasters who they

[24] Editorializing By Broadcast Licensees, 13 FCC 1246, 1249 (1949).
[25] Red Lion Broadcasting Co., Inc. v. F.C.C., 395 U.S. 367, 390, 394 (1969) [hereafter cited as Red Lion].
[26] U.S., Federal Communications Commission, Renewal of Broadcast Licenses, 38 Fed. Reg. 28789, (1973).
[27] Pember, *The Broadcaster and the Public Interest: A Proposal to Replace an Unfaithful Servant*, 4 Loyola Univ. L. Rev. 90 (1971).
[28] Broadcasting in America and the FCC's License Renewal Process: An Oklahoma Case Study, 14 FCC 2d 1, 9 (1968).

believe are not living up to their public interest responsibilities insofar as programming is concerned.

WLBT-TV, Jackson, Mississippi

The first license challenge charging discrimination in programming was brought in 1964 by the Office of Communication of the United Church of Christ on behalf of the black audience in Jackson, Mississippi, against the renewal of the license of WLBT-TV. Located in Mississippi's capital, the station serves some 900,000 viewers in Mississippi and Louisiana, about half of whom are black. The petition to deny came at the height of the civil rights movement and reflected the petitioners' indignation at the adverse ways in which they claimed black viewers had been treated by the station.

Among the claims of the United Church of Christ and the other petitioners was that the station had violated the fairness doctrine: by presenting only one side—the segregationist point of view—with regard to the civil rights movement, by specifically excluding blacks from locally originated programs, by censoring network programs which included blacks, by using such racial slurs as "negra" and "nigger" to refer to black newsmakers, and by not addressing them as "Mr." and "Mrs." as they did with white newsmakers.[29] The petitioners also claimed that the white audience was not being well served because all members of the audience have a right to hear and see fair and balanced programming.[30]

The FCC's initial response was to acknowledge the gravity of the petioners' claims, to admonish the station with a 1-year probationary renewal, and to deny a hearing on the basis that the petitioners lacked "standing" because they did not seek the use of the license themselves.[31]

The United Church of Christ appealed the decision to the Court of Appeals for the District of Columbia. The court found that the petitioners' allegations were sufficiently serious to warrant a hearing and decided that the fact that the petitioners did not seek the license themselves was insufficient reason for denying them standing in a hearing:

> Since the concept of standing is a practical and functional one designed to insure that only those with a genuine and legitimate interest can participate in a proceeding, we can see no reason to exclude those with such an obvious and acute concern as the listening audience.[32]

The FCC subsequently held a hearing and required the petitioners to prove that WLBT-TV had not provided:

> . . .reasonable opportunity for the discussion of conflicting views on issues of public importance; [and had not]. . .afforded reasonable opportunity for the use of its broadcasting facilities by significant groups comprising the community of its service area;. . .[33]

Normally, the licensee should be assigned the burden of proving that it has fulfilled its affirmative duties in these areas; instead, the petitioners were assigned this burden. The hearing examiner chose to concentrate on the programming which WLBT-TV broadcast *after* the specific license renewal period under challenge. It should have reviewed the program service during the license period under dispute.[34] The petitioners produced a monitoring study based on a week of programming which they used to partially support their claims. The hearing examiner dismissed it, however, claiming that it had ". . .little, if any, probative value."[35]

Subsequently, the FCC granted a 3-year renewal of WLBT-TV's license, concluding that the station had indeed served the public interest:

> . . .[A]fter our review of all of the evidence of record in this proceeding, we can reach no conclusion other than that the preponderance of evidence of record firmly establishes that station WLBT has been, and continues to be, satisfactorily. . .[serving the public interest which includes providing] service to minority groups.[36]

Moreover, the majority of the Commissioners concluded that the petitioners had failed to prove that the station had *not* served the public interest:

> . . .We agree with the examiner's determination that the charges made against WLBT by the intervenors were in large measure not proven [but] we wish to emphasize that we sincerely appreciate the strenuous efforts exerted by the United Church of Christ and the other interve-

[29] Lamar Life Broadcasting Co., 14 FCC 2d 431, 516-22 (1968), (hereafter cited as Lamar Life Broadcasting Co.).
[30] Office of Communication of the United Church of Christ v. F.C.C., 359 F.2d 994, 999 (D.C. Cir. 1966) (hereafter cited as United Church of Christ, 1966).
[31] *Id.*
[32] *Id.*, at 1002.
[33] Lamar Life Broadcasting Co., at 496.
[34] *Cf.* Kord, Inc., 31 FCC 85, 87 (1961).
[35] Lamar Life Broadcasting Co., at 504.
[36] *Id.*, at 437.

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nors to ascertain the nature of the programming of WLBT and to bring it to our attention.[37]

Commissioners Nicholas Johnson and Kenneth Cox dissented, arguing that it was the responsibility of the licensee to prove that it had served the public interest and *not* the responsibility of the petitioners to prove that it had failed to do so:

> . . .[T]he broadcaster is, in effect, an elected public official, using the property of his audience (the public's airwaves) to make a private profit. He holds a 3-year trust—not a property right—to operate a local station. The burden is upon him to demonstrate, at every 3-year license renewal, that he has been a faithful trustee. The burden is not upon the protesting public to prove that his "rights" should be denied.[38]

The United Church of Christ and the other petitioners went back to the Federal district court to appeal the FCC's decision. That court ruled that the FCC had erred in its determination and ordered the FCC to revoke WLBT's license:

> We are compelled to hold, on the record, that the Commission's conclusion is not supported by substantial evidence. For this reason the grant of a license must be vacated forthwith and the Commission is directed to invite applications to be filed for the license.[39]

WLBT is a landmark case in that it set a number of important precedents for license challenges that were to follow. Most important among these was that the audience, represented by public interest groups, has the right to challenge the renewal of licenses based on public interest issues, despite the fact that they do not seek the license for themselves.[40]

A second major precedent was that the court unequivocally ruled that the licensee must prove that it operates in the public interest. In this regard, the court declared:

> The [FCC Hearing] Examiner seems to have regarded Appellants as "plaintiffs" and the licensee as "defendant," with burdens of proof allocated accordingly. This tack,. . .was a grave misreading of our holding on this question. We did not intend that intervenors representing a public interest be treated as interlopers. Rather, if analogues can be useful, a "Public Intervenor" who is seeking no license or private right is, in this context, more nearly like a complaining witness who presents evidence to police or a prosecutor whose duty it is to conduct an affirmative and objective investigation of all the facts and to pursue his prosecutorial or regulatory function if there is probable cause to believe a violation has occurred.[41]

A third major precedent was that data collected by monitoring the licensee's programming was deemed to have probative value. The FCC had found the monitoring study conducted by the United Church of Christ ". . .worthless, and is therefore completely discounted. . . ."[42] However, the court reversed this determination:

> [The FCC's reaction to the monitoring study] is difficult to comprehend. The Commission has often complained—and no doubt justifiably so—that it cannot monitor licensees in any meaningful way; here, a 7-day monitoring, made at no public expense, was presented by a public interest intervenor and was dismissed as worthless by the Commission.[43]

Finally, the most important precedent of all was that the revocation of a broadcaster's license is an appropriate action to take if that broadcaster fails, fully and fairly, to serve all substantial portions of the listening and viewing audience. As reported previously, the court determined that station WLBT-TV had not fully and fairly served the black audience of Jackson, Mississippi, and therefore ordered that its license be revoked.

Alabama Educational Television Commission

The second successful license challenge was also launched in the South and also charged discrimination against blacks, both in programming and in employment. In this case, the Alabama Education Television Commission (AETC), licensee of the nine public television stations in Alabama, lost its license on the basis that it had not adequately served the black audience of Alabama.

In making this determination, the FCC relied in part on a monitoring study conducted by the petitioners, the Reverend Eugene Farrell and others. The study revealed that blacks appeared in only 0.5

[37] *Id.*, at 438.
[38] *Id.*, at 465 (dissenting opinion) (footnote omitted).
[39] Office of Communication of the United Church of Christ v. F.C.C., 425 F.2d 543, 550 (D.C. Cir. 1969) (hereafter cited as United Church of Christ, 1969).
[40] United Church of Christ, 1966, at 1000–02.
[41] United Church of Christ, 1969, at 546 (footnotes omitted).
[42] Lamar Life Broadcasting Co., at 543.
[43] United Church of Christ, 1969, at 547.

percent of over 10,000 hours of programming during the license period, 1967–70.[44] The FCC determined that the monitoring study was representative of AETC's programming: "Furthermore, nothing in the record shows that the sample weeks are unrepresentative or unreliable evidence of typical AETC programming at different times during the license term."[45]

Not only were blacks almost totally excluded from the screen of the Alabama public television stations, but the proportion of blacks who did appear was as high as 0.5 percent largely because of AETC's airing of "Sesame Street," a series produced by the Children's Television Workshop to meet the needs of preschool children. The FCC determined that preschool children are only a small part of the larger black audience:

> The needs and interests of this small group almost surely do not coincide with those of older black residents of the state, whose numbers—and whose history—entitle them to special consideration, and whose neglect gives rise to special suspicions.[46]

The FCC also determined that the failure of AETC to carry programming to meet the needs of the adult black audience of Alabama was not due to the unavailability of such programming. National Educational Television (NET), the program supplier at that time, offered a substantial amount of such programming, but the FCC determined that "AETC elected to broadcast virtually none of these programs."[47] On the basis of inference and the AETC's inability to prove otherwise, the FCC concluded that AETC had a program policy which discriminated against the black audience:

> While it is true that there is no evidence that *direct orders* were ever issued to discriminate on the basis of race, the absence of such evidence is hardly dispositive. A policy of discrimination may be inferred from conduct and practice which display a pattern of underrepresentation or exclusion of minorities from a broadcast licensee's overall programming. In light of the facts of record set forth [in this case], we find a compelling inference that AETC followed a racially discriminatory policy in its overall programming practices during the license period. . . .Indeed, given the fact that AETC has the burden of proof on this issue, we do not see how we could do otherwise.[48]

The FCC did *not* make a similar determination that AETC discriminated in its employment practices. Although AETC employed only 1 full-time black on a staff of 30 to 50 employees—and that black was a janitor—[49] the FCC could find no basis for inferring racially discriminatory employment policies:

> . . .[T]here is no evidence of record of any instance where a black was denied employment on the basis of race. . . .[Sole] reliance upon statistical data is not warranted where, as here, only a small staff was employed by AETC and the record is devoid of proof of any affirmative acts of discrimination in employment.[50]

Although the FCC was unwilling to draw inferences regarding a discriminatory employment policy in the absence of evidence of specific instances of discrimination, it nevertheless concluded that the absence of blacks in the AETC work force had a direct impact on the programming policies of the stations:

> In sum, the serious underrepresentation of blacks both on the air and at the production and planning levels, together with the overt actions of the licensee in rejecting most of the black-oriented programming available to it, constitutes persuasive evidence that racially discriminatory policies permeated AETC's programming practices. Accordingly, we conclude that AETC has failed to carry its burden of proving nondiscrimination.[51]

WLBT-TV and AETC are the only television stations whose licenses have been revoked because of discrimination in programming. And were it not for the diligence of the public interest intervenors who challenged the renewal of these licenses, it is unlikely that the FCC would have found that these broadcasters were not serving the public interest.

[44] Alabama Educational Television Commission, 50 FCC 2d 461, 466 (1974) (footnote 6).
[45] *Id.*
[46] *Id.*
[47] *Id.*, at 465.
[48] *Id.*, (footnote omitted), (footnote 5).
[49] *Id.*, at 474.
[50] *Id.*, (footnote omitted).
[51] *Id.*, at 470.

WRC-TV, Washington, D.C.

Women have also challenged the renewal of licenses on the basis of sex discrimination in programming and in employment.[53] The National Organization for Women (NOW) has been the most active in this regard, challenging the licenses of WABC-TV in New York and WRC-TV in Washington, D.C., in 1972. The Coalition of Women for Better Broadcasting challenged the license of KNXT-TV in Los Angeles in 1974. These stations are owned and operated by ABC, NBC, and CBS, respectively.

Typical of these challenges is the one launched against WRC-TV. In its petition to deny renewal of WRC's license, NOW argued that during the license period in question, 1969 through 1972, women constituted 54 percent of the population of the Washington area[53] but WRC-TV did not adequately serve them. In broad outline, NOW argued that WRC-TV (1) withheld and distorted news about the women's rights movement; (2) virtually excluded women from serious programming; (3) limited the appearance of women primarily to entertainment programming and even there featured a preponderance of male roles; and (4) portrayed women primarily in domestic, romantic, and nonoccupational roles.[54] NOW also claimed that the failure to provide fuller and fairer programming for women constituted a violation of the fairness doctrine in that the role of women is a controversial issue of public importance and that only one side—the role of women as domestic and/or sex objects—was presented in the entertainment programming of WRC-TV.[55]

Like the challengers in the WLBT-TV and AETC cases, NOW conducted a monitoring study of WRC-TV's programming. Among its many findings were the following: 77 percent of WRC-TV's public affairs guests and participants were male; 90 percent of its newsmakers were male; and 93.5 percent of its reporters were male. NOW also found that 70 percent of all characters in prime time dramatic programming were male and that almost 71 percent of the characters and participants in children's programs were male.[56]

NOW argued that the portrayal of women in these programs was one-sided:

> WRC-TV's dramatic shows, soap operas and other programming hammer home the theme that normal, well-adjusted women are not interested in careers or jobs outside the home. Marriage, pregnancy, motherhood and sexual attractiveness to men are emphasized as desirable and essential for "complete womanhood."[57]

NOW also argued that portrayal of women in WRC's network programming reinforces traditional and stereotyped attitudes toward women:

> According to WRC-TV programming, women are emotional, incompetent, dependent, child-like persons, physically attractive but totally incapable of filling positions of independence and authority outside the home.[58]

NOW claimed that men were portrayed as "authority figures" and that women were "consistently portray[ed] as dependent on men, incapable of problem-solving or making independent judgments about their own lives."[59]

Finally, NOW claimed that women were frequently ridiculed and derided. NOW supported this claim with several instances gleaned from a "typical broadcast day." Among the derisive comments they cited were the following: a joke about Arabs leaving their wives at home because they don't like to take excess baggage; a joke about how the "enemy" knows our secrets now that women have been admitted to the Secret Service; a comment about a female participant in a game show who was so thin that "her dresses have to be marked front and back"; and the fact that the Galloping Gourmet referred to his fat pepper mill as a "pregnant mother."[60]

The only network news about women which appeared on WRC was about Cornelia Wallace campaigning on behalf of her husband. The only "local" news about women was a story about "girls" who had taken up "menwatching" in Philadelphia, the "City of Brotherly Love." The male reporter made it clear that these "girls" were not a "women's lib group."[61]

[53] The employment issues in women's license challenges are discussed in ch. 7..

[53] National Organization for Women, et. al., Petition to Deny the License of WRC-TV, Aug. 31, 1972, at 142. (hereafter cited as Petition to Deny, WRC-TV).

[54] *Id.*, at 144–72.

[55] *Id.*, at 130–43.

[56] *Id.*, at 142–43.

[57] *Id.*, at 146.

[58] *Id.*, at 149.

[59] *Id.*, at 150.

[60] *Id.*, at 155–57.

[61] *Id.*, at 160.

Station WRC-TV replied that it had not ignored the problems of women in the Washington area during the 3 years of the license period. Its opposition to NOW's petition listed 27 locally-produced public affairs programs together with the date and time during which each was aired, the program titles, and a brief description of each.[62] WRC-TV also noted that during the 3-year period it ran 16 editorials on women's rights, some of which were in favor of the equal rights amendment and of liberalized abortion laws.[63]

Regarding its coverage of news concerning women, WRC-TV responded that women had appeared in many news stories during the time of NOW's monitoring study. It tended to acknowledge the disparity in the proportions of males and females in the news, but attributed the disparity to ". . .the fact that a large majority of public officials, professionals and other 'newsmakers' are men,. . ."[64] It also noted that 4 of its 12 on-the-air reporters were women.[65]

WRC-TV refuted the argument that the one-sided portrayal of women in entertainment programming constituted presentation of only one side of a controversial issue of public importance. The licensee leaned heavily upon an FCC statement to the effect that the depiction of violence in television programming does not constitute a presentation of a controversial issue of public importance and that if it were so defined, the list of such controversial issues to be found in entertainment programs would be endless.[66] In this regard, WRC-TV stated the problem the networks would face if one-sided and derogatory portrayals of people in dramatic shows were to become fairness doctrine questions. At the same time, the station asserted that licensees must take upon themselves the responsibility to use good faith discretion in this program area:

> [A] "virtually endless" series of controversial issues. . .could arise from the way entertainment programs are alleged to depict not only women, but men, the old, the young, Blacks, Whites,. . .Oriental-Americans, Italian-Americans, Jewish-Americans, Polish-Americans and more—through an almost inexhaustible list of population segments, interest groupings and abstract issues. Plainly this is a program area in which licensees must be able to exercise their own *good faith* discretion, and in which government intrusion would be not only unlawful but wholly unworkable.[67]

The FCC rejected NOW's petition, determining that it had not presented substantial and material questions of fact sufficient to warrant a hearing. The FCC was particularly unpersuaded by NOW's fairness doctrine allegations. Siding with WRC-TV, the FCC determined that the portrayal of women in WRC's programming did *not* constitute the presentation of one side of a controversial issue of public importance:

> We find that the petitioner's allegations of a numerical imbalance between the number of women and men portrayed in occupational roles, the consistent and exclusive portrayal of women in domestic roles, the greater number of men than women generally shown in WRC's programming, and the catalogue of adverse inferences they draw from their monitoring survey do not constitute. . .a "discussion" or presentation of one side of the issue of women's role in society. NOW has failed to show that these portrayals amount to an "advocacy of a position" on the question of women's rights. Absent such a showing, the Commission is bound to accept the licensee's *good faith* journalistic judgment that its programming has not presented one side of a controversial issue of public importance.[68]

NOW was left in the same position as the United Church of Christ in 1965 when it was required to prove that WLBT-TV had *not* been operating in the public interest. In the WRC-TV case, the FCC determined that NOW had not raised issues of sufficient importance to warrant a hearing, so WRC-TV was not required to assume the burden of proving that its portrayal of women was *not* one-sided and *was* in the public interest.

NOW appealed this decision, arguing that the FCC's refusal to designate a hearing to explore these questions was arbitrary and capricious.[69] On April

[62] NBC, Inc., Opposition of National Broadcasting Company, Inc. to Petition to Deny, Nov. 29, 1972, pp. 60-67, [hereafter cited as NBC, Inc., Opposition].
[63] *Id.*, at 67.
[64] *Id.*, at 76.
[65] *Id.*
[66] George D. Corey, 25 RR 2d 437, 440 (1972).
[67] NBC, Inc., Opposition, pp. 89-90 (emphasis added) (footnote omitted).
[68] Memorandum Opinion and Order in Re Application of National Broadcasting Co., Inc. For Renewal of License of WRC-TV, Washington, D.C., 52 FCC 2d 273, 286 (1975), (citations omitted) (emphasis added).
[69] Brief for the Petitioners N.O.W. v. F.C.C. cite unavailable (D.C. Cir. 1975).

11, 1977, the U.S. Court of Appeals for the District of Columbia Circuit handed down its decision.[70] The court argued that the FCC was correct in its reluctance to involve itself deeply in such programming issues as the selection and presentation of the news.[71] It noted that the FCC had other methods available "for assuring that licensees provide fair and balanced coverage of news on women's issues."[72] Specifically referring to *National Association for the Advancement of Colored People* v. *Federal Power Commission,* it concluded that the FCC's policy of equal employment opportunity should "ensure that its licensees' programming fairly reflects the tastes and viewpoints of minority groups [including women]."[73]

The court did not address the issue of whether the portrayal of women in entertainment programs constituted a discussion of a controversial issue of public importance. Instead, it concluded that the overall programming of WRC was "responsive to the needs and interests of women."[74]

Despite this finding, the court acknowledged that there appeared to be "an industry-wide problem" regarding the portrayal of women. Following Commissioner Benjamin Hooks' lead, it suggested that "an industry-wide problem may be more appropriately aired and an industry-wide remedy formulated in a general inquiry such as a rule-making."[75]

The NOW WRC-TV license challenge differs from those brought against WLBT-TV and AETC. In the NOW challenge, the alleged discriminatory programming was more subtle. Women were not consciously excluded from the screen as had been determined to be the case with blacks in the two previous challenges. Instead, the challengers argued that women appear much less frequently than would be expected, judging from the number of women in the local population, and when they do appear they are portrayed in a one-sided and derogatory manner.

The portrayals of women described above might seem innocuous to some; others might suggest that women who are offended lack a sense of humor. Although WRC-TV did not respond directly to these portrayals, it did address and trivialize NOW's criticisms of its news reporter's joking comments about women in the news. Referring to this as "light banter," WRC-TV dismissed such jokes as not "the stuff of which license renewal denials are made."[76] However, NOW's overall position was that WRC's portrayal of women ". . .place[d] them in narrowly pre-defined categories and reinforce[d] traditionally held stereotypes about them."[77]

In the cases involving WLBT-TV and AETC, the local stations had rejected national programming that included blacks. In the WRC-TV case, however, it was the national programming, disseminated by NBC, with which NOW was most concerned. The portrayals of women in the network's game and quiz shows, soap operas, children's programs, and prime time entertainment programs contained the vast majority of the one-sided and derogatory characterization to which NOW objected.

Both NBC, WRC-TV's owner, and the FCC concluded that it is the licensee's responsibility to exercise good faith judgment regarding the fairness of its entertainment programming, i.e., self-regulation. Presumably, self-regulation would mean that a network-affiliated station which has determined that its programming discriminates against women would reject such programming and seek out or produce on its own a substantial number of programs which present a more diversified portrayal of women.

Local stations find it economically advantageous to affiliate with networks and to broadcast the network programming available to them. To reject substantial portions of the network programming schedule, in an exercise of "good faith discretion," would constitute economic suicide for the local station. To produce programming on the local level that could compete with the nationally produced programs aired by other network-affiliated stations in the same market is equally impossible, given the economics of the industry. Thus, the local station will not, on its own, do anything significant about the content of the network programs it broadcasts.[78]

FCC INQUIRY INTO NETWORK PROGRAM CONTROL

In 1957 the FCC released its first major investigation of network television program control, exploring possible avenues for governmental regulation. This report, conducted by the Network Study

[70] National Organization for Women at al. v. F.C.C., Sl. Op. 74-1853, D.C. Cir. April 11, 1977.
[71] *Id.*, at 16.
[72] *Id.*
[73] *Id.*
[74] *Id.*, at 25.
[75] *Id.*, at 18.
[76] NBC, Inc., Opposition, p. 84.
[77] Petition to Deny, WRC-TV, at 163.
[78] U.S., Congress, House Committee on Interstate and Foreign Commerce, *Network Broadcasting,* 85th Cong., 2d Sess., 1958, H. Rept. 1297, (hereafter cited as *Network Broadcasting*).

Committee under the direction of Roscoe Barrow, was submitted to the House of Representatives, Committee on Interstate and Foreign Commerce, the following January.[79] The purpose of the study was:

> . . .to determine whether the present operation of television and radio networks and their relationships with stations and other components of the industry tend to foster or impede the development of a nationwide, competitive broadcasting system.[80]

Among other concerns explored in the study was the licensee's possible abrogation of its programming responsibilities to the network with which it affiliates, as well as a variety of issues related to network program production and procurement.[81]

Subsequently, two additional reports were prepared addressing the same issues.[82] A major finding regarding responsibility for network television programming was that although there is no clearcut pattern of control, it is evident that local stations do not have it:

> As network television is presently operated, it is difficult to say *who* is responsible for *what* in network entertainment programming. However, *it is entirely clear that the notion that actual responsibility for network programs is exercised at the station level is unreal.* Licensees have, as a practical matter, delegated responsibility for program creation, production, and selection to networks. Networks, in turn, have redelegated a major part of that responsibility to advertisers, Hollywood film producers, talent agents, and others. The result, at best, has been a concentration of program control in a central source—the network. This situation may involve a diffusion of control which verges on irresponsibility.[83]

Finding that network program procurement practices directly affect the public interest by limiting access to the airwaves by non-network programming sources, the FCC Office of Network Study proposed that the FCC regularly observe network policies and practices with regard to program procurement:

> This can, in our judgment, be accomplished through continuing examination by the Commission of the operational and decisional policies and practices through which licensees and network managers select the overall content of the network television program schedules.[84]

Toward the end of assuring that network programming serves the public interest, the FCC asked Congress for statutory authority to make rules and regulations regarding ". . .network policies, practices, and activities which adversely affect the ability of stations to operate in the public interest."[85]

The FCC requested authority (a) to classify the networks, (b) to require them to file informational statements on program procurement policies and operations, and (c) to make rules and regulations regarding network policies which adversely affect the ability of the licensee to operate in the public interest.[86] First among 10 recommendations regarding regulation of the networks was a request for authority

> . . .to require networks to exercise supervision and control over the preparation of and to prohibit discriminatory practices in the selection of all matter supplied by such network to any licensee for broadcasting. . . .[87]

Congress did not give the FCC authority to regulate the networks. In 1966 Roscoe Barrow predicted that no such authority would be delegated to the FCC "in the foreseeable future."[88]

In 1970 the FCC adopted the Prime Time Access Rule which prohibits the broadcasting of network programs for more than 3 hours during prime time by stations in the top 50 markets.[89] The access rule was designed to increase the competitive stance of non-network program sources and did not address the basic problem which the FCC itself had already recognized:

> Although the individual station licensee continues to bear legal responsibility for all matter broadcast over his facilities, the structure of broadcasting, as developed in practical operation, is such—especially in television—that, in

[79] William Melody, *Children's Television* (New Haven: Yale University Press, 1973), p. 27.
[80] *Network Broadcasting*, p. 1.
[81] Ibid., p. 7.
[82] U.S., Congress, House Committee on Interstate and Foreign Commerce, *Television Network Program Procurement*, 88th Cong., 1st sess., 1963, H. Rept. 281 (hereafter cited as *Television Network Program Procurement*); FCC, Second Interim Report, *Television Network Program Procurement—Part II* (1965).
[83] *Television Network Program Procurement*, p. 106.
[84] Ibid., p. 107.
[85] Ibid., p. 109
[86] S. 2400, 87th Cong., 1st Sess. (1961) in Exhibit No. 10 *Television Network Program Procurement*, pp. 184–86.
[87] Ibid., p. 109.
[88] Barrow, *The Attainment of Balanced Program Service in Television*, 52 Va. L. Rev. 633, 657 (1966).
[89] Prime Time Access Rule, 18 RR 2d 1825 (1970). See also 19 RR 2d 1869 (1970), 20 RR 2d 1572 (1970), and 24 RR 2d 1882 (1972) for further orders regarding the PTAR.

reality, the station licensee has little part in the creation, production, selection and control of network program offerings. Licensees place "practical reliance" on networks for the selection and supervision of network programs which, of course, are the principal broadcast fare of the vast majority of television stations throughout the country.[90]

The situation remains substantially the same as it was when the FCC began its network study. The networks continue to exercise control over the vast majority of the program service of the vast majority of the stations watched by the vast majority of the people. The licensee must assure the FCC that these programs are in the public interest when, in reality, the broadcaster has no control over their creation, production, or even their scheduling. And if the station has the audacity to juggle network programming, it risks its status as an affiliate.

CBS recently terminated its affiliation agreement with station KXLY-TV of Spokane, Washington, for moving network programs out of their designated time slots. Wayne F. McNulty, vice president of KXLY-TV, said that the station had scheduled such shows as "Mary Tyler Moore" and "Good Times" at 7:30 p.m. CBS's termination of KXLY-TV's affiliate status was considered by some industry observers as a warning to other affiliates not to juggle the network schedule and jeopardize the ratings.[91]

In sum, Roscoe Barrow has cogently described the situation in which local stations are at the mercy of both the networks and the FCC:

> The selection of programing is for the most part in the hands of the networks, whose primary guide in selection is the needs of a mass advertiser. Meanwhile, the FCC seeks to protect the public interest by regulating the licensed broadcaster. This approach is of limited efficacy since the broadcaster places practical reliance on the network and does not exercise his nondelegable duty to select programming.[92]

NETWORK SELF-REGULATION OF PROGRAM CONTENT

For the most part, the FCC's regulatory stance has been to encourage the industry to regulate itself. The television industry does this in two major ways: the NAB Code and each network's program practices department. Each network and most local stations subscribe to the code of the National Association of Broadcasters.[93] The NAB code's function is ". . .to maintain a level of television programming which gives full consideration to the educational, informational, cultural, economic, moral and entertainment needs of the American public. . . ."[94]

Although this goal is laudatory, much of the language of the NAB code is so general that it is difficult to infer its usefulness in day-to-day program decisionmaking. For example, the code's preamble states:

> Television is seen and heard in nearly every American home. These homes include children and adults of all ages, embrace all races and all varieties of philosophic or religious conviction and reach those of every educational background. Television broadcasters must take this pluralistic audience into account in programming their stations. They are obligated to bring their positive responsibility for professionalism and reasoned judgment to bear upon all those involved in the development, production and selection of programs.[95]

In its statement on the industry's responsibility toward children, the code acknowledges the role that television plays in their socialization. Although its language regarding the broadcaster's programming responsibilities is replete with jargon on child development, it lacks specific guidelines which might be helpful in making routine program decisions:

> Broadcasters have a special responsibility to children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material in their totality. Programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.
>
> In the course of a child's development, numerous social factors and forces, including television, affect the ability of the child to make the transition to adult society.

[90] En Banc Programming Inquiry, at 2314.
[91] "CBS to Drop Affiliate for Schedule Shifts," *New York Times*, Mar. 22, 1976, p. 50.
[92] Barrow, *The Attainment of Balanced Program Service in Television*, at 641.
[93] A complete copy of the NAB Code may be found in *Broadcasting Yearbook, 1976*, pp. D-61–D-66 or by writing to the National Association of Broadcasters, 1771 N Street, N.W., Washington, D.C.
[94] National Association of Broadcasters, *The Television Code*, June 1975, p. 22.
[95] Ibid., p. 1.

> The child's training and experience during the formative years should include positive sets of values which will allow the child to become a reasonable adult, capable of coping with the challenges of maturity.
>
> Children should also be exposed, at the appropriate times, to a reasonable range of the realities which exist in the world sufficient to help them make the transition to adulthood.
>
> Because children are allowed to watch programs designed primarily for adults, broadcasters should take this practice into account in the presentation of material in such programs when children may constitute a substantial segment of the audience.[96]

The NAB Code also includes a brief statement related to the portrayal of women and minorities. Again, the language is so vague as to be almost meaningless:

> Special sensitivity is necessary in the use of material relating to sex, race, color, creed, religious functionaries or rites, or national or ethnic derivation.
>
> The presentation of marriage, the family and similarly important human relationships, and material with sexual connotations shall not be treated exploitatively or irresponsibly, but with sensitivity. Costuming and movements of all performers shall be handled in a similar fashion.[97]

The code is relatively specific regarding the portrayal of violence. The reader can judge the extent to which broadcasters adhere to these standards in the action-adventure shows they broadcast:

> Violence, physical or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence should present the consequences of it to its victims and perpetrators.
>
> Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.
>
> The use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or by sound, are not permissible.
>
> The depiction of conflict, when presented in programs designed primarily for children, should be handled with sensitivity.
>
> The treatment of criminal activities should always convey their social and human effects.
>
> The presentation of techniques of crime in such detail as to be instructional or invite imitation shall be avoided.[98]

While the networks subscribe to this code, it is unclear what effect it has on their program decision-making. Broadcasters who subscribe to the code do so with the understanding that they will abide by it and will thereby earn the right to display the "NAB Television Seal of Good Practice." Those subscribers whose programming, in the judgment of the television board of directors of the NAB, ". . .constitutes a continuing, willful or gross violation [in theme, treatment or incident] of any of the provisions of the television code,. . ." may have their seal revoked subsequent to appropriate review procedures.[99]

Because membership in the NAB Code is voluntary and because information about revocation of the NAB Seal of Good Practice is considered private, it was impossible to obtain information about any revocation of the seal or the reasons for any such revocation.[100] It is highly unlikely, however, that any broadcaster's seal has been revoked on the grounds that it has portrayed minorities and women in a derogatory manner.

In addition to subscribing to the NAB Code, each network has an office whose function it is to maintain "broadcast standards." Often referred to as "the network censors" by producers and writers, editors from these offices are directly and closely involved in all stages of program development and production. They discuss with writers and producers the concept of their program series, they edit each script, and they prepare episode synopses for affiliate stations.[101]

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[96] Ibid., pp. 3–4.
[97] Ibid., p. 5.
[98] Ibid., p. 4.
[99] Ibid., p. 23.
[100] Richard Burch, NAB Television Code, telephone interview, June 30, 1976.
[101] George Gerbner, "The Structure and Process of Television Program Content Regulation in the United States," eds. George A. Comstock and Eli A. Rubinstein, *Television and Social Behavior, Reports and Papers, Vol. 1: Media Content and Control, A Technical Report to the Surgeon General's Scientific Committee on Television and Social Behavior* (Rockville, Md.: National Institute of Mental Health, n.d.), pp. 402–06 and Thomas F. Baldwin and Colby Lewis, "Violence in Television: The Industry Looks at Itself," Comstock and Rubinstein, *Television and Social Behavior*, vol. 1., pp. 323–28.

According to Thomas Baldwin and Colby Lewis, who interviewed a variety of industry people regarding network programming policies and their implementation (particularly with respect to the depiction of violence), network censors view themselves as agents of licensees, assuring them that the network programs they broadcast are in the public interest and conform to the NAB Code.[102]

ABC and NBC have written guidelines regarding various portrayal issues. ABC's guidelines, which are currently being updated, devote one line to the portrayal of minorities and women:

> ABC will accept no program which misrepresents, ridicules or attacks any individual or group on a basis of race, creed, sex, color or national origin.[103]

NBC has two similar policy statements in its code:

> The representation of ethnic and social minorities in dramatic material proposed for television will be carefully reviewed to avoid portrayals that incite prejudice, promote stereotyping, or offend legitimate sensitivities. . . .
>
> . . .Special sensitivity is necessary in presenting material relating to sex, age, race, color, creed, religion or national or ethnic origin to avoid contributing to damaging or demeaning stereotypes.[104]

CBS has no formal guidelines relating to the portrayal of women and minorities in entertainment programming. CBS Vice President for Program Practies Van Gordon Sauter provided the following statement regarding CBS policy and practice in this area:

> The diversity of our programming would, in our opinion, force such a directive to be so vague that its utility would be dubious. Also, we feel such a document could be detrimental to the creative process.
>
> We feel our programs should neither carry the banner of social change, nor advocate new codes of conduct. However, our programs must reflect reality if they are going to achieve the attention and respect of viewers.
>
> Thus we treat each program idea and each script individually. . .requiring that it contain legitimate entertainment values, and that the situations and characters be portrayed in a way that represents—in degrees that relate to the type of program involved—real life circumstances and established social values.
>
> We are obviously alert to depictions that denigrate any group or race.[105]

Each of the networks maintains that it is its policy not to portray minorities and women in derogatory ways. Nevetheless, the portrayal data presented in the first three chapters of this report indicate that they have done so. Baldwin and Lewis, referred to above, suggest a possible explanation for this contradiction. The interviews which they conducted among a variety of industry personnel suggest that guidelines calling for "special sensitivity" with regard to the portrayal of women and minorities do not help network censors whose attitudes are basically insensitive to them.

Baldwin and Lewis uncovered a number of specific do's and don'ts with regard to the portrayal of women and Native Americans in violent situations. At the time of their interviews (June and July 1970), violence against women was supposed to be avoided or minimized or to result from a nonhuman agent. They cite two instances of script changes resulting from this policy:

> A conflict in one show required that a woman be hurt. . . .The network won't let the woman be shot, or squashed by a rearing horse. But it does approve having the horse hit her into a post so the post injures her. . . .
>
> . . .One prisoner chases another woman to kill her and, in the original script, throws a wet sheet over her. The network censor labeled the sheet "too violent," so a pile of crates was upset on the woman instead.[106]

Baldwin and Lewis also reported that serious violence was not to be done to Native Americans in westerns:

> When an Indian is shot off a horse, [we] can't cut away from him until you've seen him get up and walk away. . . .
>
> . . .No one can be killed when 600 rounds are fired in an Indian attack. So everyone who's shot has to be shown getting up and running away. . . .

[102] Ibid., pp. 323-24.
[103] *ABC Standards and Practices*, sec. III, n.d., p. 9.
[104] *NBC Broadcast Standards for Television*, n.d., pp. 6-7.
[105] Van Gordon Sauter, vice president, program practices, CBS, letter to U.S. Commission on Civil Rights, Oct. 22, 1976.
[106] Baldwin and Lewis, "The Industry Looks at Itself," p. 340.

. . .Your Indians have to decide to give up before a fight.[107]

Both women and Native Americans in the scenes discussed here were portrayed as stereotyped victims of violence. Members of these groups have objected to such portrayals.[108] Attempting to minimize or hide the victimization of Native Americans and women avoids the main issue. Minimizing the degree of violence or changing its agent does little to alter the resulting image of women and Native Americans as victims. To the extent that they are exclusively or primarily portrayed that way in action-adventure programs, they are being stereotyped. As long as network decisionmakers retain the attitude that the primary role for Native Americans or women in action-adventure programs is that of victim, then that image will be conveyed, regardless of self-serving, good faith statements in the NAB Code or in the individual codes of the networks.

FAILURE OF SELF-REGULATION: CHILDREN'S PROGRAMMING

The FCC rulemaking proceeding in the area of children's television is a prime example of that agency's historical reliance on industry self-regulation as a substitute for agency regulation in the public interest. However, the FCC inquiry into children's programming could serve as a precedent for a comparable inquiry into the portrayal of minorities and women in television programs.

In 1970 Action for Children's Television (ACT), a public interest group representing parents and other citizens alarmed about programming and advertising directed toward children, petitioned the FCC to eliminate all product advertising from children's programs, to eliminate the use of program hosts to advertise products, to prevent the blending of commercials and programming, and to require each station to provide a minimum of 14 hours per week of programming directed toward children. In this proposal ACT called for a major structural change in the financing of children's television programming. ACT's objective was to replace commercial sponsorship with public service funding in the hope that programming supported in this way would serve the interests of children rather than advertisers.[109]

In 1971 the FCC issued a notice of inquiry and proposed rulemaking in which it recognized the uniqueness of children as a substantial and important segment of the television audience:

> There are high public interest considerations involved in the use of television. . .in relation to a large and important segment of the audience, the Nation's children. The importance of this portion of the audience, and the character of material reaching it, are particularly great because its ideas and concepts are largely not yet crystallized and are therefore open to suggestion, and also because its members do not yet have the experience and judgment always to distinguish the real from the fanciful.[110]

Acknowledging the Supreme Court's recent *Red Lion* decision which declared that the broadcaster's first amendment rights are not superior to those of the viewers, the FCC determined that it had not only the right but the affirmative duty to develop policy to assure that children's programs and accompanying advertising serve the public interest.[111]

Between 1970 and 1974, the FCC addressed this issue by creating a children's television unit to study the problem, undertaking a study of the economics of children's television, and holding hearings on the various issues raised by the ACT petition. In the interim, the broadcasting and advertising industries launched a counterattack. William Melody, in his assessment of FCC policymaking with regard to children's television, describes the industry's strategy:

> Since the publication of the ACT petition, the broadcasting and advertising industries. . .responded with a continuing series of self-regulatory programs in an attempt to divert, delay, or dilute possible public policy action. By diverting public policy attention away from threatening structural issues, and by providing a demonstration of good will and concern, proposals for self-regulation often function as a substitute for more restrictive externally-imposed standards or policies. The Television Code of the National Association of Broadcasters (NAB) [had] been amended in its provisions

[107] Ibid.

[108] Many of these objections are discussed in ch. 1.

[109] William H. Melody and Wendy Ehrlich, "Children's Television Commercials: The Vanishing Policy Options," *Journal of Communication*, vol. 24 (1974) p. 113.

[110] Notice of Inquiry and Notice of Proposed Rulemaking In Re Children's Television Programs, 28 FCC 2d 369-70 (1971).

[111] U.S., Federal Communications Commission, Report and Policy Statement, Children's Television Programs, 39 Fed. Reg., 39397, (1974), (hereafter cited as Children's Television Programs).

pertaining to children's advertising at least six times since the FCC Notice.[113]

Specifically, the NAB and the Association of Independent Television Stations (INTV) agreed to reduce voluntarily the number of commercial minutes per hour of children's programming, from 16 minutes to 9 minutes and 30 seconds per hour on weekends and 12 minutes on weekdays.[115]

Citizens also acted by writing over 100,000 letters to the FCC, expressing their concerns about the commercialization of children's television.[114] The FCC pronounced itself "overwhelmed" by this enormous response, but it reported that on the basis of talks with industry representatives it was willing to take another chance that the industry would regulate itself:

> The issue remains, however, whether the Commission should adopt per se rules limiting the amount of advertising on programs designed for children or await the results of the industry's attempt to regulate itself. The decisions of the NAB and the INTV to restrict advertising voluntarily are recent developments which occurred during the course of this inquiry and after consultation with the Commission's Chairman and staff. The Commission commends the industry for its willingness to regulate itself. Broadcasting which serves the public interest results from actions such as these which reflect a responsive and responsible attitude on the part of broadcasters toward their public service obligations.
>
> In light of these actions, the Commission has chosen not to adopt per se rules limiting commercial matter on programs designed for children at this time.[115]

Commercialization of children's television and its effects on the content of the programs was at the root of ACT's petition. ACT argued that the public interest would be served by eliminating commercials and thereby altering the structure of the system insofar as children's programming is concerned. The FCC refused to eliminate all sponsorship of children's programs. By doing so, it appeared to place the broadcaster's private commercial interest above the public interest:

> Banning the sponsorship of programs designed for children could have a very damaging effect on the amount and quality of such programming. Advertising is the basis for the commercial broadcasting system, and revenues from the sale of commercial time provide the financing for program production. Eliminating the economic base and incentive for children's programs would inevitably result in some curtailment of broadcasters' effort in this area.[116]

By taking this position, the FCC abrogated its responsibility to regulate programming in the public interest. Its assumption that without commercial sponsorship children's programming would disappear ignored its authority to require broadcasters to provide a minimum number of hours per week of programming for children, no matter how it is financed. Furthermore, the FCC presented no justification for the assumption of a relationship between commercial sponsorship and high quality children's programming.

The decision to opt for industry self-regulation has resulted in relatively little change. Although the broadcasters have reduced the number of commercial minutes per hour and have introduced "prosocial" messages into programs to improve their content, they are essentially the same. One television critic, in an assessment of the 1976 lineup of children's shows, dismissed the changes as "candy coated":

> . . .[T]he bop on the head has largely been replaced by the sermon on the mount.
>
> And yet the shows still slavishly depend on kookie gimmicks and traditional hero vs. villian plotlines. They reflect the popularity of police shows in prime time and support a simplistic world view of people as either criminals or victims, with supersaviors in leotards the primary hope for redress of grievances.[117]

CONCLUSION

Stereotyped portrayals of minorities and women, which have been part and parcel of successful program formats, are perpetuated by the networks in their pursuit of higher ratings and higher profits. The surest route to a successful and highly profitable program schedule is to create new series based on formats that have already proven popular. Old

[113] Melody and Ehrlich, "Children's Television Commercials," p. 122.
[114] Children's Television Programs, at 39400.
[115] *Id.*, at 39396.
[116] *Id.*, at 39400.
[116] *Id.*, at 39399.
[117] Tom Shales, "Kids' TV: Candy Coated Changes," *Washington Post*, Sept. 10, 1976, p. B1.

formats are used until they eventually fail as advertising vehicles. Moreover, network programmers are afraid of offending the sensibilities—whether real or imagined—of large segments of the viewing audience.

Programming designed to reach the widest possible audience, coupled with the demands of the ratings race, constrains writers and producers from introducing more realistic and diverse images of women and minorities to the television screen. Thus, network programmers with one eye on successful old formulas, the other on the inoffensive, and with both hands in their pockets are not oriented towards serving the public interest.

The preceding three chapters have delineated continuing patterns of stereotyped images of women and men, both white and minority, on network entertainment programs and in the news. In addition, the data reported in these chapters demonstrate that certain groups have been and continue to be virtually excluded from the screen. Finally, the research on television's impact on viewers (reviewed in chapter 2) suggests that stereotyping and exclusion of minorities and women may have detrimental effects on viewers, particularly on children. The FCC has already acknowledged that programming for children is especially important since children have difficulty in distinguishing between the "real" and the "fanciful."

The civil rights movement of the 1960s and the women's movement of the 1970s have played an important role in reshaping the laws of this Nation and in redefining its values. One major consequence of these two movements has been the burgeoning body of laws which require that equal opportunity be afforded to all, regardless of race, national origin, or sex. Exclusion or denigration of minorities and women on local or network programming cannot serve the public interest and must be redressed by the FCC through its regulation of the broadcasting industry.

In response to this and the preceding three chapters the FCC made the following comment:

> We are willing to assume, for the purpose of this letter, that the report's factual base is, in general, accurate, insofar as it relates to the depiction of minorities and women in television programming. Utilizing a selective historical approach to the portrayal of minorities and women, the report finds that until the 1960's television entertainment programming was practically devoid of significant participation by racial or ethnic characters or non-stereotypical role models. While the past decade has witnessed an increase in the number of minorities and women in television programming, the report concludes that accelerated improvement is necessary. The report then goes on to suggest that this Commission should require such improvement, either through its rulemaking procedures or on a case-by-case decision making basis.
>
> We disagree.
>
> Wholly apart from the First Amendment prohibitions and Section 326 of the Communications Act, which are certainly applicable, the approach recommended by the United States Commission on Civil Rights would create a regulatory nightmare. Not only should the Commission not place itself in the role of a censor, but it would almost certainly bog down hopelessly if it were to try to regulate television programming fare in the way the report suggests—to oversee the day-to-day content of entertainment programs, judge role models, second guess casting decisions, preview scripts, select news stories for coverage, regulate the assignment of reporters to those stories, and select guests and moderators for discussion programs. Surely, however serious the problem may have been (or is), the suggested cure would be worse. Indeed, carried to its logical conclusion, the suggested solution could also lead to the censorship of all free speech. . . .
>
> . . .In our view, the promotion of equal employment opportunities for such persons is a better solution to the programming problem than the direct intervention advocated in the draft report.[118]

As this Commission noted earlier in this chapter, the Communications Act does indeed prohibit the FCC from censoring program content. Nowhere in the report does the Civil Rights Commission suggest that the FCC take on the role of program censor, bog itself down in a day-to-day review of program content or second-guess casting decisions. This Commission does suggest, however, that there are a variety of regulatory alternatives that go beyond the FCC's current approach to program regulation which involve little more than a cursory review of a program log for a composite week, but which stop

[118] Letter from Wallace E. Johnson, Chief, Broadcast Bureau, Federal Communications Commission, to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, May 16, 1977 (hereafter referred to as *FCC Comments*).

well short of program censorship. Such approaches, of course, would be additions to and not substitutes for equal employment measures as solutions to the programming problem to which the *FCC Comments* allude. The next three chapters demonstrate the extent to which the FCC has been less than fully effective in enforcing its equal employment opportunity rule. It should be noted, moreover, that the FCC currently has no role in regulating employment insofar as network programming is concerned.

CHAPTER 5

EQUAL EMPLOYMENT OPPORTUNITY: EFFORTS VS. RESULTS

The civil rights movement of the 1960s called attention to the fact that minorities had been systematically denied access to the television screen and, when they did appear, they were often portrayed in stereotyped and derogatory ways. In the midst of its involvement with a challenge to the license of WLBT-TV for discriminating against blacks in its program service, the United Church of Christ formally proposed that the FCC attempt to end such discrimination by adopting a rule prohibiting it. Such a rule was eventually adopted and implemented. The process was a tortuous one and the results have been less dramatic than had been anticipated.

FCC RULEMAKING TO ASSURE NONDISCRIMINATION

On April 24, 1967, the Office of Communications, the Board for Homeland Ministries, and the Committee for Racial Justice Now of the United Church of Christ filed a petition requesting that the FCC adopt a rule prohibiting employment discrimination by broadcast licensees. A year later the FCC responded by issuing a memorandum opinion and order and notice of proposed rulemaking to determine whether it should adopt such a rule. At the same time the FCC announced its intention to review employee complaints of discrimination by broadcast licensees.[1] The FCC planned to refer employment discrimination complaints to the Equal Employment Opportunity Commission (EEOC) or other appropriate State and local agencies. In cases where no such agencies had jurisdiction over broadcast licensees the FCC itself would act upon the complaints.[2]

Acknowledging established Federal policy which prohibits employment discrimination and citing its own authority to regulate in the public interest, the FCC stated:

> . . .we simply do not see how the Commission could make the public interest finding as to a broadcast applicant who is deliberately pursuing or preparing to pursue a policy of discrimination—of violating the national policy.[3]

The FCC also called attention to the broadcast licensee's moral responsibility to provide equal employment opportunity. Summarizing the findings of the report of the National Advisory Commission on Civil Disorders, the FCC stressed the broadcast media's obligation to fully communicate to the Nation the plight of black Americans:

> If the broadcast media is to fully meet this obligation to communicate in the highest sense of that abused term, the Report makes clear what is only common sense in this situation—that there must be greater use of the Negro in journalism, since the Negro journalist provides a most effective link with the ghetto. . . .[4]

The U.S. Commission on Civil Rights, the Department of Justice, and other parties urged the FCC to adopt the proposed rule. They argued that FCC's equal employment opportunity policy could not be implemented effectively through the complaint process alone. Reliance solely on individual complaints for identifying discrimination would not reveal

[1] Memorandum Opinion and Order and Notice of Proposed Rulemaking in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, 13 FCC 2d 766 (1968).

[2] *Id.* at 772.

[3] *Id.* at 769.

[4] *Id.* at 774.

general patterns of discriminatory practices in the industry.[5]

On June 4, 1969, the FCC formally adopted its nondiscrimination rule, applicable to all broadcast licensees, prohibiting discrimination in employment on the basis of race, color, religion, and national origin.[6] It also required licensees to ". . .establish, maintain, and carry out, a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practices."[7]

The FCC also issued a further notice proposing a series of guidelines to aid licensees in preparing their EEO programs and a reporting form (Form 395) for collecting employment statistics in the broadcasting industry. It proposed that the EEO program be submitted by broadcasters as part of their application for license renewal and by applicants for construction permits, assignments, or transfers and that the employment reporting form be submitted annually. Both requirements applied to licensees with five or more full-time employees.[8]

The FCC was urged by many respondents to include women as an affected group. Subsequently, it amended its rule to prohibit discrimination based on sex and also required licensees to report female employees on Form 395. It did not include women as a group in need of affirmative recruitment and promotion efforts, providing the following justification for this:

> . . .[We] have determined to focus our major efforts in requiring development of equal employment opportunity programs at this time on Negroes, American Indians, Spanish-surnamed Americans and Orientals, in light of our own limited resources and the national crisis which exists with regard to the problems of racial harmony.[9]

Efforts to assure equal employment opportunity for women as well as minorities continued. On December 4, 1970, the National Organization for Women (NOW) petitioned the FCC to make its EEO rule fully applicable to women.[10] The National Association of Broadcasters (NAB) strongly objected. According to the FCC's summary of comments, the NAB argued that ". . .no pattern of discrimination against women in the broadcasting industry has been established." The NAB also argued that ". . .every religious, racial or national origin subgroup. . .," for example, Armenians and Tasmanians, could not be included under the EEO program. Finally, the NAB noted ". . .that a line had to be drawn somewhere, and that it should be drawn to exclude women from the filing requirement."[11]

In May 1971 the FCC issued an amendment to its EEO rules requiring broadcast licensees to take affirmative steps toward assuring equal employment opportunity for women. The FCC used the following reasoning in amending its rules:

> [Women] constitute over 50% of the population and the history of employment discrimination against women is amply demonstrated by the comments in this proceeding. It is fully appropriate, in our judgment, for the attention of broadcasters to be drawn to the task of providing equal employment opportunity for women as well as for Negroes, Orientals, American Indians and Spanish Surnamed Americans.[12]

Following FCC's amendment, all broadcast licensees with five or more full-time employees were required to furnish equal employment opportunity programs as Section VI of their license renewal applications.[13] In addition, licensees with five or more full-time employees were required to submit Form 395 employment reports annually, describing the composition of their work forces.[14]

The U.S. Commission on Civil Rights has actively participated in many of these deliberations. In 1968 this Commission strongly urged the FCC to adopt a formal nondiscrimination rule:

> . . .the Commission is under statutory duty backed by. . .Constitutional requirements to ensure that the programming of licensees serves the needs of all portions of the community. Its recognition of the causal relationship between underutilization of members of minority groups

[5] Report and Order in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, 18 FCC 2d 242 (1969).
[6] *Id.* at 243 and appendix A.
[7] *Id.* at appendix A.
[8] *Id.* at 243–44.
[9] Report and Order in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, 23 FCC 2d 431 (1970) (hereafter cited as 23 FCC 2d 431 (1970)).
[10] In the Matter of Amendment of Part VI of FCC Forms 301, 303, 309, 311, 314, 315, and 342, and Adding the Equal Employment Program Filing Requirement to Commission Rules 73.125, 73.301, 73.599, 73.680, and 73.793, 32 FCC 2d 708 (1971) (hereafter cited as 32 FCC 2d 708 (1971)).
[11] *Id.* at 708.
[12] *Id.* at 709.
[13] Applicants for construction, transfers, and assignments must also file an equal employment opportunity program as Section VI of their applications.
[14] The FCC has recently amended its rule and adopted new guidelines for the development of EEO programs. These changes are discussed in ch. 7.

> at various levels of the broadcasting industry and programming of the type described by the National Advisory Commission [on Civil Disorders], which is oriented exclusively to members of the white race in the community, imposes upon it the duty to enforce these statutory and constitutional requirements by ensuring that each licensee utilizes representative numbers of members of minority groups at all levels of employment.[15]

In conjunction with its reports on the Federal civil rights enforcement effort, this Commission has also reviewed the activities of the FCC to ensure equal employment opportunity by its regulatees. In its most recent evaluation, this Commission noted that, as presently implemented, the FCC's Equal Employment Opportunity rule and its guidelines are not likely to achieve results:

> As of June 1974, FCC has merely required its regulatees to make a paper commitment to equal employment opportunity and perhaps expand their labor pool. Its guidelines are not calculated to assist broadcasters in realistically understanding what changes are required of them.
>
> Simply put, the FCC requirements are not result-oriented, as are other affirmative action requirements. Their guidelines are merely a recitation of broad principle, the implementation of which probably will not have an appreciable effect on the extent of employment discrimination in the broadcast industry.[16]

Since the Commission's enforcement effort reports have not dealt directly with the impact of civil rights laws on the status of minorities and women, it is the purpose of this section to review the FCC's equal employment opportunity rule and to analyze the extent to which its policies and procedures have affected the employment status of women and minorities at local television stations. Toward this end, 40 television stations were selected for review of their EEO programs and work forces.

DESCRIPTION OF THE SAMPLE

Several factors were considered in the selection of the sample. It was important that the stations be located in large cities with high viewership as well as high proportions of the minority groups under study. To the extent possible, the cities should be located throughout the United States. Both commerical and noncommerical stations should be included. Finally, because of their potential power, stations owned and operated by the networks (referred to in the industry as O&Os) should be represented.

ABC, CBS, and NBC each own and operate five stations located in nine of the largest cities of the Nation. All have high proportions of one or more of the minority groups under study (with the exception of Native Americans). These cities are: New York, Los Angeles, Chicago, Detroit, Philadelphia, San Francisco, Cleveland, Washington, D.C., and St. Louis. With the exception of geographical diversity—the South is not represented—all factors were readily satisfied by selecting the O&O stations, the network-affiliated stations, and the public stations located in these nine cities. To satisfy that criterion, Atlanta, a Southern market with a high proportion of blacks, was selected to represent the South. Thus, the sample consists of 15 O&O stations,[17] 15 stations affiliated with the networks,[18] and 10 public stations[19] located in 10 cities.

Initially, the EEO programs submitted to the FCC by these 40 television stations were reviewed to determine the extent to which licensees comply with FCC's guidelines for the development of an EEO program. These programs were also reviewed to determine the extent to which they are effective in improving employment opportunities for minorities and women. The Form 395 employment reports submitted to the FCC by the 40 stations from 1971 through 1975 were also analyzed to determine the extent to which minorities and women have made employment gains in the television industry.

The review of the EEO programs and the analysis of the Form 395 reports did not provide enough information to establish the impact of FCC's EEO

[15] Howard A. Glickstein, Acting Staff Director, U.S. Commission on Civil Rights, letter to Rosel H. Hyde, Chairman, Federal Communications Commission, September 1968.

[16] U.S., Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974. Vol. I, To Regulate in the Public Interest*, pp. 15–16 (hereafter cited as *Federal Civil Rights Enforcement Effort—1974*).

[17] The 15 network-owned-and-operated television stations were: WABC, WCBS, and WNBC (New York); KABC, KNXT, and KNBC (Los Angeles); WLS, WBBM, and WMAQ (Chicago); KGO (San Francisco); WXYZ (Detroit); WCAU (Philadelphia); WKYC, (Cleveland); WRC (Washington, D.C.); and KMOX (St. Louis).

[18] The 15 affiliate television stations were KYW and WPVI (Philadelphia); KPIX and KRON (San Francisco); KSD and KTVI (St. Louis); WJW and WEWS (Cleveland); WJBK and WWJ (Detroit); WMAL and WTOP (Washington, D.C.); and WAGA, WSB, and WXIA (Atlanta).

[19] The 10 public television stations were: WHYY (Philadelphia); KQED (San Francisco); KETC (St. Louis); KCET (Los Angeles); WNET (New York); WVIZ (Cleveland); WTVS (Detroit); WETA (Washington, D.C.); WETV (Atlanta); and WTTW (Chicago).

rules. Therefore, the Commission requested detailed information about licensee employment practices and work force profile data from a subsample of eight stations. These stations were selected randomly from the initial group of 40 on a proportionate basis from the following categories: stations owned and operated by the networks; stations affilated with the networks; and public television stations. In addition, on-site interviews with management personnel were conducted at these eight stations to corroborate the information submitted to the FCC.

Typically, the stations' general managers, the personnel directors, the program directors, and the licensees' attorneys participated in the interviews with Commission staff. A standard questionnaire was used to gather supplementary information regarding the implementation and effectiveness of the stations' EEO programs. Many of these questions were open-ended and allowed station personnel to respond at length. The general managers were informed, in advance, of the objectives of the Commission's inquiries and it was agreed that any information which could be considered a trade secret would not be attributed. The following discussion of licensee compliance with the FCC's EEO guidelines is based on the review of the 40 stations' EEO programs and on statements made by station personnel during the Commission's on-site interviews at 8 of the 40 stations.

FCC GUIDELINES FOR EEO PROGRAMS

The FCC's guidelines are used by licensees to develop their EEO programs. According to these guidelines, the programs are to be composed of three parts. In Part I licensees are to discuss the affirmative steps they undertake to improve employment opportunities for minorities and women. In Part II licensees are to discuss the results achieved from implementation of the affirmative steps described in Part I. In Part III licensees are to list any discrimination complaints filed against them.[20]

Compliance With Part I

Part I of the guidelines consists of a series of suggested measures which licensees may undertake to assure nondiscrimination in each of the following categories: recruitment, selection and hiring, placement and promotion, and other areas of employment practices.

With regard to recruitment of minority and female applicants, the FCC suggests that licensees post notices in their employment offices and on employment applications informing applicants of their equal employment rights and of the station's commitment to equal employment opportunity. Licensees are also encouraged to recruit minorities and women by placing employment advertisements in media that have significant circulation among minorities and women and by recruiting at colleges and universities with significant minority and female enrollments. Further, the FCC urges licensees to maintain systematic contacts to encourage referrals from minority and women's organizations. Similarly, licensees are encouraged to make known to all recruitment sources that qualified minority and female applicants are being sought for employment. Finally, licensees are advised to solicit referrals from present employees.[21]

The vast majority of the 40 licensees included statements of their commitment to equal employment opportunity in their EEO programs. Most mentioned that they encourage present employees to refer applicants and also notify all recruitment sources that minorities and women are being sought. Licensees demonstrate their compliance with these suggested measures simply by paraphrasing the FCC's guidelines and noting that they have undertaken such action, will undertake it, or will endeavor to undertake it in the future.

With regard to the more active recruitment measures—placing employment advertisements, recruiting at colleges and universities, and encouraging referrals from female and minority organizations—most of the licensees addressed these measures but many did not provide any specific information. For example, of the 31 licensees who placed employment advertisements, 19 did not specify the newspapers or the types of positions for which they were recruiting applicants.

Where details about affirmative recruitment efforts were provided, they were limited to lists of colleges and universities and minority and female organizations. For example, of the 18 licensees who submitted such lists, none indicated whether the recruitment was conducted personally, how frequently it was undertaken, or for what kinds of

[20] U.S., Federal Communications Commission, Broadcast Application, sec. VI (hereafter cited as Broadcast Application.)

[21] *Id.* at pt. I.

Table 5.1

EEO RECRUITMENT MEASURES REPORTED BY THE 40 LICENSEES

RECRUITMENT MEASURES	REPORTED	PROVIDED SPECIFIC INFORMATION	NOT REPORTED
Posting notices in employment offices advising applicants of their rights	39	—	1
Placing EEO notices on employment applications	38	—	2
Placing employment advertisements[1] in media which have significant circulation among minority group members or women	19	12	9
Recruiting through schools and colleges with significant minority or female enrollment	16	18	6
Maintaining contacts with women's, minority and human relations organizations to encourage referral of qualified minority and female applicants	16	21	3
Encouraging present employees to refer female and minority applicants	33	—	7
Making known to all recruitment sources that qualified women and minorities are being sought for consideration whenever the station hires	34	—	6
Undertaking other recruitment efforts not suggested by FCC (talent banks, internships, scholarships, training programs, membership in community organizations, career days, recruiter/counselors, summer jobs)[2]	—	26	14

Source: The data in this and subsequent tables in this chapter were based on an analysis of the EEO programs submitted to the FCC by the 40 stations in the sample.

1. One licensee reported a policy of not advertising because it had proved to be unsuccessful.
2. Stations report undertaking one or more of these specific efforts.

positions candidates were being sought. (See table 5.1 for the EEO recruitment measures reported by the 40 licensees.)

Several recruitment measures, not among the FCC's suggestions, were discussed in 26 of the 40 EEO programs. These included internships and scholarships for college students and public appearances by station personnel at school career days and at community organization meetings. Some stations had hired staff specifically to recruit minorities and women and others used consulting firms for this purpose. Licensees described these efforts in the same manner in which they described efforts suggested by the FCC. Their descriptions tended to show licensee commitment and active participation in recruiting minorities and women, but failed to provide sufficiently detailed information to indicate their effectiveness.

Interviews with management personnel at the eight stations were conducted to discover how effectively recruitment efforts listed on the EEO program were being implemented to assure equal employment opportunity. Responses given by general managers during the on-site interviews revealed

that some licensees may have stated their intention to implement certain EEO efforts in their programs when, in fact, they rarely, if ever, translated them into action. All eight licensees reported to the FCC that they advertised job openings in media having a large circulation among minorities and women. However, four general managers said they seldom or rarely advertised job openings because they found it an ineffective means of producing job applicants with the appropriate skills, or unnecessary because they regularly received an abundance of unsolicited applications.[23]

Licensees that advertised in the media used this technique primarily to recruit secretaries, clerks, or other entry level personnel. One general manager noted that "ads in local papers are for entry level, nonbroadcasting type jobs such as secretary and PBX operator. Higher level jobs are recruited for from within the industry."[23] The personnel director of another station said, "We only advertise if desperate and never for positions in professional categories. . . .only for secretaries and clerk-typists."[24]

While the FCC's guidelines suggest that licensees place employment advertisements in media with significant circulation among minorities and women, the interviews revealed that to the extent that licensees advertise, they tend to rely on general circulation newspapers. One argued that "ads in minority newspapers do little more than show commitment."[25]

EEO programs of all eight stations also included statements which expressed the licensees' intentions to recruit at colleges and universities with significant minority and female enrollments. However, during the interviews general managers of three stations said they did not actually undertake this effort.

One indicated that no recruitment is conducted at colleges because the station seeks candidates with experience.[26] Another said that his station was one of the largest in the Nation, and "we don't need to recruit."[27] The third general manager reported that college recruitment was not necessary because his station receives 25 unsolicited applications per week.[28]

FCC's guidelines merely elicit statements of intentions to take actions to assure equal employment opportunity, but the extent to which these efforts are effective in assuring nondiscrimination is virtually ignored by the licensees. The FCC guidelines do not point out that the importance of the recruitment measures lies with their implementation and effectiveness. As a result, the licensees' EEO programs do not contain any information which indicates that a systematic evaluation of the effectiveness of their recruitment efforts is being conducted.

General managers were asked which recruitment measures they had found effective. Five said they considered contacts with minority and women's organizations an effective method of recruitment. One general manager noted that his station had 100 agencies on its contact list, 25 of which respond regularly to job announcements. He said, "We have developed a good working relationship with these agencies; we get good applicants."[29]

Most general managers considered the scholarships, internships, fellowships, and training programs which they had instituted to be another effective recruitment measure. During the past few years a number of stations have offered scholarships and internships to students enrolled in schools of communications and journalism at various colleges and universities located within the station's service area. Students are selected by their schools and referred to the stations. The programs are developed by the stations and the universities and usually consist of college courses and on-the-job training at the stations for varying lengths of time. For example, one station provides two journalism scholarships per year to minority students. In addition, it offers two internships a year and provides students with the opportunity to work at the station in the production of instructional television courses.[30]

Three other stations accept minority and female interns on a yearly basis. The interns are placed within different departments at the stations. In the news department, for example, they can actually participate in news gathering, work with film crews, and become involved in sorting copy.[31]

The general managers considered these programs quite useful in exposing minorities and women to the

[23] Staff interviews, April 28, 1975, May 15, 1975, May 22, 1975, and June 18, 1975.
[24] Staff interview, May 13, 1975.
[25] Staff interview, June 18, 1975.
[26] Staff interview, May 13, 1975.
[27] Ibid.
[28] Staff interview, June 13, 1975.
[29] Staff interview, April 28, 1975.
[30] Ibid.
[31] Staff interview, May 1, 1975.
[32] Staff interviews, May 15, 1975, June 18, 1975, and June 13, 1975.

industry. As a result, the students who receive the scholarships and internships acquire experience and can then compete for industry positions on a more equitable basis. While the general managers considered these programs successful for training minorities and women, four licensees noted that employment was not necessarily the end result for those who complete these programs.[32]

The affirmative recruitment efforts which licensees are encouraged to undertake to expand the pool of minority and female applicants have had limited results. The station managers interviewed considered advertising ineffective except for clerical positions. Only three believed that college recruitment was an effective source of qualified applicants. At several stations, maintaining contact with minority and women's organizations seemed intended more for public relations purposes than for recruitment.

The most effective recruitment method reported by the eight general managers was "word of mouth referrals" from professional broadcasting organizations, friends in the industry, and, to a lesser extent, referrals by their own employees. One general manager said that the "National Association of Broadcasters and friends in the industry are our most effective sources for filling broadcasting positions with minorities and women."[33] Another indicated that "personal referrals and employee referrals" yielded the most hires.[34] A third pointed out that referrals by other stations were a similarly effective method of recruitment.[35] Finally, a fourth general manager summed up the end result of "word of mouth referrals" by stating: "We play a giant game of musical chairs. The turnover [in the industry] is the same basic set of people."[36]

In actuality, the affirmative measures suggested by the FCC to expand the pool of minority and female applicants are not producing the intended results. Licensees are still relying heavily on "word of mouth" referrals for recruitment, a method which has traditionally excluded minorities and women from equal opportunities for employment. The net effect of this "game of musical chairs" has been to screen out applicants who are trying to gain employment in the television industry. If there is to be equal employment opportunity in television, the FCC will have to secure much more than paper commitments from its licensees to recruit minorities and women.

The remaining three sections of Part I of the EEO programs address the licensee's efforts to assure nondiscrimination in hiring, promotion, and other employment practices. The FCC directs licensees to instruct personnel who make hiring and promotion decisions that minorities and women are not to be discriminated against. Selection techniques or tests which may have discriminatory effects are to be avoided. Rates of pay and fringe benefits are to be reviewed and adjusted if any inequities are found. Where union agreements exist, licensees are to cooperate with the unions in assuring equal employment opportunity and a nondiscrimination clause is to be included in collective bargaining agreements. In addition, seniority practices or seniority clauses in union contracts are to be reviewed to assure that such practices or clauses are not discriminatory. Further, licensees are instructed to review job areas where few minorities and women are employed to determine whether this is a result of discrimination. Finally, to aid in qualifying minorities and women for promotion, licensees are encouraged to provide assistance and counseling.[37]

Thirty-six of the 40 licensees included statements in their EEO plans about personal instructions to their staffs prohibiting discrimination in hiring and promotion. Thirty-two mentioned that they avoided the use of discriminatory selection techniques or tests. One-third of the licensees failed to address themselves to nondiscrimination clauses in union agreements, to reviewing areas in which there is little minority or female representation, or to reviewing seniority practices, rates of pay, and fringe benefits.

Those licensees that did include such clauses in their EEO programs did not describe the procedures used to review and evaluate employment practices, how often such reviews were conducted, or what the results of the reviews were. None of the programs discussed whether or not discriminatory practices had been uncovered. For example, of the 27 licensees whose plans mentioned a review of pay and fringe benefits, none said whether the review had identified inequities or whether necessary adjustments had been made. Similarly, 27 licensees reported developing programs in cooperation with unions to assure

[32] Staff interviews, April 28, 1975, May 13, 1975, May 22, 1975, and June 13, 1975.
[33] Staff interview, June 13, 1975.
[34] Staff interview, May 13, 1975.
[35] Staff interview, May 1, 1975.
[36] Staff interview, April 28, 1975.
[37] Broadcast Application, sec. VI, pt. I.

equal employment opportunity. However, 23 of these licensees provided no substantive details about what these programs consisted of, how they were going to be implemented, or what were the intended results.

Although the FCC requires licensees to review their hiring and promotion practices and to look for job areas in which there is underrepresentation of minorities and women, its guidelines do not specify that affirmative action must be taken to correct any employment problems that licensees identify. The only suggestions made by the FCC to ensure equal opportunities for promotion of minorities and women are that licensees maintain a data bank on the interests and skills of minority and female employees and that they provide assistance and counseling to enable employees to qualify for higher positions. The FCC's guidelines are specific in this regard. Consequently, the EEO plans include detailed descriptions of efforts to provide job counseling, training programs, and tuition reimbursement. Thirty-one of the 40 licensees' programs included such measures and most report having instituted some type of counseling program. Others also offer on-the-job training programs, tuition reimbursement, or both. (See table 5.2 for a list of EEO efforts for assuring nondiscrimination in hiring and promotion as reported by the 40 licensees.)

The licensees' statements of commitment to hire and promote minorities and women on an equal basis convey the impression that opportunities are available for minorities and women to make great strides toward improving their employment status in the television industry. During the interviews, however, general managers presented a somewhat different picture of the opportunities for being hired and promoted. For the most part, they pointed out that little or no expansion is taking place at their stations. There are few new job openings and there is little turnover. They implied that there was little or no opportunity for minorities and women to be hired.

With regard to promotions, the general managers described several mechanisms which they have instituted to provide minorities and women with the skills that are necessary for moving up within the organization. On the whole, most were committed to promoting employees from within. To make promotion decisions, data banks which store information regarding the career goals and skills of minorities and women have been developed. In addition, formal (or informal) on-the-job training programs are provided for upgrading the qualifications of minority and female employees at the eight stations. Seven stations reimburse tuition costs to employees who are enrolled in courses related to their work at the station or which will enhance their skills.

However, when asked to assess the effectiveness of these programs, several general managers indicated that promotions were not necessarily the end result of these affirmative efforts. One thought that reimbursing tuition costs and on-the-job training programs have not been particularly helpful for promotions in the past, but that they may be more promising in the future.[38] Another noted that its group owner had established a program in which female employees could acquire technical skills. He thought that the number of women with FCC operator licenses was increasing, but, since there is little turnover in the technical area, few positions are actually available.[39]

The general managers were asked about the opportunities available for promotion of office and clerical employees. Many women enter the broadcasting industry in clerical jobs hoping to move up into more responsible positions. The general managers acknowledged this aspiration. However, they indicated that there are no clearly-defined career paths by which women can move up from such positions. Most gave examples of individual success stories. One general manager noted that two female clerical employees had recently become production assistants, but he added the following caution:

> The secretarial job is as chancy as anything else. You have the opportunity to see what's going on, but not necessarily to move up. A person who starts as a secretary doesn't have a chance even with an M.A. in journalism. We're not dedicated to the notion that secretaries have to move up.[40]

Another general manager noted:

> [Women] come in with an interest in broadcasting [and may] start as secretaries. They have opportunities for promotion, [but] there are no steps; there is no clearly-defined policy. It just happens. For each person it happens differently.[41]

[38] Staff interview, May 13, 1975.
[39] Staff interview, May 22, 1975.
[40] Staff interview, April 28, 1975.
[41] Staff interview, May 15, 1975.

Table 5.2

HIRING, PROMOTION AND OTHER EEO MEASURES REPORTED BY THE 40 LICENSEES

SELECTION AND HIRING MEASURES	REPORTED	PROVIDED SPECIFIC INFORMATION	NOT REPORTED
Instructing staff making selection and hiring decisions that women and minority applicants are to be considered in a non-discriminatory manner	36	—	4
Developing programs with unions to assure equal employment opportunity	23	4	13
Including effective nondiscrimination clauses in union agreements	29	—	11
Avoiding the use of selection techniques or tests, which may have the effect of discriminating against minorities and women	32	—	8
PLACEMENT AND PROMOTION MEASURES			
Instructing staff making placement and promotion decisions that women and minority employees must be considered in a nondiscriminatory manner	36	—	4
Reviewing job areas where there are few minority or female employees to determine whether it is a result of discrimination	26	—	14
Providing assistance to women and minority employees to enable them to qualify themselves for higher positions through tuition reimbursements, counseling, and training[1]	—	31	9
Reviewing seniority practices and clauses in union contracts to insure nondiscrimination	21	—	19
OTHER MEASURES TO ASSURE NONDISCRIMINATION			
Reviewing pay/fringe benefits and adjusting any inequities	27	—	13
Advising all employees of available overtime work	27	—	13

1. Fourteen licensees reported undertaking one or more of these efforts.

One general manager reported that his station's owner was in the process of developing career paths by which women could move out of the office and clerical ranks by trying to select "those areas in which women with college degrees will be successful in moving into other areas."[42] No other licensee indicated that anything other than chance or personal initiative operated in the promotion of women out of the office and clerical category.

Another way of assuring promotional opportunities for all employees on an equal basis is by informing them of job openings. Two of the eight

[42] Staff interview, May 13, 1975.

general managers indicated that all job openings at their stations were routinely posted. The other six indicated that positions were often filled without posting. One general manager said that his station posted job openings except in "delicate situations" (e.g., when someone is terminated).[43] Another argued that posting openings was unnecessary: "Every job opening is known. When someone leaves everyone knows; there's a party. Some people ask for these jobs; some don't."[44] Two licensees do not post job openings for management positions. One of the general managers noted that openings for policymaking or decisionmaking positions are not posted. These positions are filled before the vacancy is announced because they are tremendously "competitive-sensitive."[45]

Compliance With Part II

Part II of the FCC's EEO guidelines requires that licensees report the results of the affirmative efforts they have described in Part I. The instructions state:

> Submit a report. . .indicating the manner in which the specific practices undertaken pursuant to the station's equal employment opportunity program have been applied and the effect of these practices upon the applications for employment, hiring and promotions of women and minority group members.[46]

These instructions are broadly defined and do not require licensees to report the results of their affirmative efforts to recruit, hire, and promote minorities and women for all levels of responsibility and in all organizational units. There is considerable data which the FCC could require licensees to maintain that would demonstrate the results of their efforts, but the FCC has not formulated such requirements. For example, the instructions do not require licensees to submit a list of job openings or the number of applicants for those openings by race and sex. Further, the instructions do not require licensees to prepare lists of all employees hired, the race and sex of these employees, or what positions they were placed in. The instructions do not request the number of promotions, a list by race and sex of those employees who were promoted, or the positions they held before and after promotion. Finally, the licensees are not requested to submit a list of all employees who were transferred or terminated. Neither the licensee nor the FCC can evaluate the effectiveness of an EEO program without conducting analyses of these data.

The 40 stations provided little or no information in Part II of their EEO plans. Eight omitted any reference to the results of EEO efforts they had undertaken. Generally, the stations that did address Part II provided lists of minority and/or female employees who had either been hired and/or promoted and lists of positions held by minorities and/or women. Several licensees responded to Part II by reporting either the proportionate increase in minority employment, the proportion of minority and female employees, and a list of the positions they occupy, or some examples of minority and female employees who had been hired and promoted. Finally, the response to Part II submitted by one of the licensees consisted of a statement informing the FCC that the effect of implementing an EEO plan had been to facilitate compliance with the provisions of the Civil Rights Act and the FCC's requirements regarding equal employment opportunity for minorities and women. (See table 5.3 for a list of results licensees reported.)

Compliance With Part III

In Part III, the FCC's guidelines instruct licensees to submit a brief description of complaints filed with agencies having jurisdiction under Federal, State, territorial, or local law alleging employment discrimination on the basis of race, sex, color, religion, or national origin. The FCC also specifies that licensees include the names of persons involved, the date of filing, the court or agency with whom the complaint was filed, the file number, and information on the disposition or current status of the matter.

While employment complaints may reflect systematic patterns of discrimination, the FCC has not established any internal mechanisms for monitoring the complaints reported in Part III of the EEO programs. In its evaluation of the FCC's enforcement of its EEO rule, this Commission found that the FCC had failed ". . .to develop any standardized procedures for recognizing the findings of [EEOC or for] including them in a coordinated effort to ensure equal employment opportunity."[47] There were no internal procedures for keeping track of the progress of complaints which the FCC referred to EEOC, nor

[43] Staff interview, April 28, 1975.
[44] Staff interview, May 15, 1975.
[45] Staff interview, May 22, 1975.
[46] Broadcast Application, sec. VI, pt. II.
[47] *Federal Civil Rights Enforcement Effort—1974*, pp. 30–31.

Table 5.3

RESULTS OF EEO MEASURES REPORTED BY THE 40 LICENSEES

INFORMATION PROVIDED	NUMBER OF LICENSEES
List of hires and promotions for both minorities and women	10
List of hires for both minorities and women	2
List of positions held by minorities and/or women	7
Number and/or percent of minorities and/or women employed by the station	6
General statement providing some illustrative examples of minorities/women hired, and illustrative examples of how a few have been promoted	2
Statement combining information on the percentage of minority employees and the jobs they occupy in the top four categories of employment	2
List of minorities/women hired correlated with a particular recruitment effort (employee referrals)	1
Statement on the increase of minority employment	1
Statement informing FCC that effect of EEO plan was to facilitate compliance with the provisions of the Civil Rights Act and FCC's requirements regarding employment and promotion of minorities and women	1
Subtotal	32
No information provided	8
Total	40

had the FCC compiled data on how many employment discrimination complaints had been filed.[48] Furthermore, this Commission noted that the "FCC had initiated few reviews of licensees based upon complaints."[49]

The complaints reported by the 40 stations in Part III of their EEO programs were analyzed to determine the extent to which patterns of employment discrimination were reflected in the allegations filed. Fifteen of the licensees in the sample did not report having any complaints filed against them. However, 93 complaints were reportedly filed against the remaining 25 stations.

Of these, 26 alleged discrimination on the basis of race or color, 16 on the basis of sex, 5 on national origin, 1 on age, 1 on religion, and 23 on a combination of these. The reasons for 21 of the complaints were indeterminable.

The complaints alleged discrimination in six areas of employment. The most frequent charge (37) was directed at the terms and conditions of employment. There were 28 charges of discrimination regarding hiring and selection, 19 regarding promotion, 23 regarding termination and discharge, 20 regarding training, and 12 regarding compensation. Fifteen allegations of discrimination dealt with job assignments, seniority practices, benefits, and maternity leave. Many complaints dealt with discrimination in more than one area. No clearcut patterns are evident from these data.

CONCLUSION

The overriding deterrent to assuring equal employment opportunity for minorities and women in the television industry is not necessarily the failure of the FCC's EEO guidelines to be specific and result-

[48] Ibid., p. 31.

[49] Ibid., pp. 32–33.

oriented. It is not entirely the failure of the licensees to implement affirmative measures to assure nondiscrimination; nor is it the ineffectiveness of each of the affirmative measures they do undertake. All of these factors detract from realizing equal employment opportunity, but the real deterrent is the lack of a genuine commitment by licensees which was conveyed in their attitudes toward minorities and women.[50]

The station managers were convinced that these groups lacked the appropriate qualifications or experience necessary for managerial, professional, or technical positions at their stations. While some conceded that past employment practices in the industry have traditionally limited opportunities for minorities and women, their attitudes as well as the ineffective affirmative measures they have undertaken suggest that they are allowing these practices to continue. Three general managers emphasized that in the "real world" there were very few qualified minorities and women whom they could hire.[51]

Station managers often perceived women as lacking initiative and being incapable of asserting themselves. They attributed the fact that women were often not hired or promoted to their lack of assertiveness rather than to the station's failure to provide equal employment opportunity. For the most part, chance, being at the right place at the right time, and knowing the right people continue to be the means by which employees are hired and promoted at television stations.[52]

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[50] In its *Comments* on the draft of this report, the FCC stated:

> While we seriously question whether the size of the sample is adequate to support the chapter's ultimate conclusion—e.g., that the FCC's rules have been ineffective—we are more concerned that the study is based upon data which are no longer accurate or timely. . . . The EEO programs used by broadcast licensees in 1975 have been superseded by our new 10 point program mentioned previously. Written EEO programs are now much more detailed and specific than those required in the past. Thus, we are concerned that the study and its related conclusions may be inaccurate and extremely misleading.

This Commission recognizes that the EEO programs that were reviewed and that served as the basis for interviews with eight general managers are now being superseded by the FCC's 10-point program. However, this new program, which is analyzed in chapter 7, contains many of the same provisions of the former program, and in those respects is as subject to criticism as was the former program.

[51] Staff interviews, Apr. 28, 1975, May 15, 1975, and May 13, 1975.

[52] In its *Comments* the FCC stated:

> Chapter V goes on to characterize the broadcast industry's view of EEO compliance as one of non-commitment based upon the statements of four of eight station managers interviewed and, in some cases, based upon the statement of only one manager. These conclusions are, in our view, speculative at best, due to their limited support. Of more concern, however, is the questionable relevance of the industry's attitude toward equal employment opportunities in assessing the effect of the FCC's regulation in this area. We believe that we have made substantial progress in assuring that minorities and women participate in the broadcast industry in meaningful positions and we have every reason to believe that this progress will continue.

The data on which the conclusions of this chapter were based were an analysis of the EEO plans of 40 television stations as well as indepth interviews with eight general managers, all of whom were quoted at least once throughout the chapter, some more than others. While it is true that eight people cannot speak for hundreds, nevertheless the uniformity of their responses as well as the EEO plans themselves suggest a pattern. The pattern this Commission sees is one in which licensees tend to hire and promote on the basis of established practices and view the preparation and submission of an EEO program as an end in itself, rather than as a means to the end of providing equal employment opportunity.

The relevance of industry attitude in assessing the effectiveness of the FCC's regulation lies in the necessity, under past and current procedures, to rely on the good faith of the industry. If members of the industry are acting in less than complete good faith, the FCC's willingness to rely on it will result in less than equal employment opportunity for all.

CHAPTER 6

Employment of Women and Minorities in Television—

Appearance or Reality

In 1969 when the FCC adopted its EEO Rule prohibiting employment discrimination by broadcast licensees, it proposed that licensees with five or more full-time employees be required to develop an EEO program and submit annual employment reports. The FCC gave two reasons for collecting the statistical information which would be contained in the annual employment reports: "Such information will give us a 'profile' of the broadcast industry, and may also be more useful in indicating noncompliance [with our EEO Rule] than we had previously thought." [1]

The FCC's annual employment reporting form was a modified version of the Equal Employment Opportunity Commission's EEO-1 form. Licensees were required to indicate the total number of employees for each of nine job categories—officials and managers, professionals, technicians, sales, office and clerical, craftsmen, operatives, laborers, and service workers—as well as the total number of employees who were Negro, Oriental, American Indian, and Spanish-Surnamed American in each of these job categories. Data were also requested on the race and ethnicity of white collar and production trainees. [2]

FCC's proposal to collect statistical employment information was opposed by some broadcasters on the grounds that the data collected would not be useful in uncovering discriminatory practices. It was criticized by others because the job categories were largely irrelevant to the types of jobs in the broadcasting industry. For example, the FCC was urged to adopt more meaningful categories such as those developed by the National Association of Educational Broadcasters (NAEB) which are directly applicable to the broadcasting industry. While the FCC acknowledged that the job categories developed by the NAEB "would clearly be more pertinent" and "would give more useful statistics," it retained the EEO-1 categories stating that the latter "will also give a useful picture of the primary job areas and we are reluctant at this time to require stations now using those forms to give us parallel information with a different job breakdown." [3]

The FCC did not alter the EEO job categories it had proposed in 1969. The reporting scheme (Form 395), which it adopted in 1971 and which is still in use, includes the nine job categories with a breakdown of the number of minority group employees by sex. However, there is no mechanism for reporting white female employees. While it is possible to derive the total number of white female employees from the Form 395 data, these calculations would not be necessary and could easily have been avoided if the FCC had simply included a column for the number of white female employees in each of the nine job categories.

The Form 395 employment reports are used by the FCC primarily at license renewal time to assess

[1] Report and Order in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices, 18 FCC 2d 243 (1969).

[2] Further Notice of Proposed Rulemaking in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, Sample Annual Employment Report Form 325, 18 FCC 2d 251, 252 (1969).

[3] Report and Order in the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Policies and Practices, 23 FCC 2d 430, 431 (1970).

compliance with its Equal Employment Opportunity Rule.[4] In addition, the Research Branch of the FCC Broadcast Bureau publishes an annual report—*Employment in the Broadcasting Industry* —which provides summary data based on the Form 395 reports. These reports collapse data from each of the nine job categories into two broad classifications: "higher pay" (officials and managers, professionals, technicians, sales workers, and craftsmen) and "lower pay" (office and clerical, operatives, laborers, and service workers). In addition, employment data are reported for minorities and for women but are not reported for each group by race, ethnicity, and sex.[5]

The summary statistics that are presented in the FCC's annual employment reports on the broadcasting industry obscure the true employment status of white women and minorities. By collapsing the nine job categores into two, the extent to which minorities and women participate at all levels of station employment cannot be determined. By collapsing the data for all minority employees and for all female employees into two groups, the extent to which white women, minority women, and minority men are represented in the work force cannot be determined. Furthermore, minority female employees are counted twice—as females and as minorities.

Although these data have obvious faults, they are frequently used to demonstrate the improvements which have been made in the employment status of minorities and women. For example, FCC summary data of employment in the television industry for 1975 indicates that the employment of women (both white and minority) has increased, from 23.2 percent in 1972 to 26.9 percent in 1975. Minority (both male and female) employment is also up, from 11.3 percent in 1972 to 14.4 percent in 1976.[6] It is obvious that minority women are being counted twice, causing the increases for each group to appear larger than they really are.

Upper level employment of minorities and women has also apparently increased. The Office of Communication of the United Church of Christ, which publishes a more complete summary of Form 395 data, has noted remarkable—and unbelievable—increases for minorities and women in the upper four categories since 1971. The proportion of all women classified in the top four categories increased significantly, from 19.6 percent in 1971 to 38.5 percent in 1975, an increase of 96.4 percent. For minorities, the increase was not as striking. In 1971, 41.8 percent of all minorities were classified in the top four categories and in 1975, 60.5 percent were so classified, an increase of 44.7 percent. At the same time the proportion of all employees in the upper four categories rose from 68.5 percent in 1971 to 77.2 percent in 1975, a 12.7 percent increase.[7]

These findings prompted the United Church of Christ to raise the following concerns:

> The startling increase in upper level jobs for minorities and women and the decline in clerical and service positions in an expanding business should draw the attention of the Federal Communications Commission. Do more executives need fewer clerks to serve them? Do larger staffs need less janitorial service? It would be irresponsible not to raise the question: Are some broadcasters reclassifying low level workers into the upper job categories while keeping them on the same old jobs at the same low salaries?[8]

In order to determine the extent to which white women and women and men of each racial and ethnic group have made employment gains at the 40 stations selected for this study, this Commission analyzed the 1971 and 1975 Form 395 employment reports submitted by these stations. The data are presented for each minority group by sex as well as for white men and white women for each of the Form 395 job categories.[9] (See table 6.1, part A for

[4] The procedures the FCC uses in its review of the Form 395 reports are described in detail in chap. 7.

[5] U.S., Federal Communications Commission, *Employment in the Broadcasting Industry 1975* (hereafter cited as *Employment in the Broadcasting Industry 1975.*)

[6] Employment figures for 1972 were provided by Miriam Gang, statistician, FCC, Policy and Rules Division, Policy Analysis Branch (formerly known as FCC, Broadcast Bureau, Research Branch), telephone interview, Washington, D.C., May 6, 1976. These data can be found in *Employment in the Broadcasting Industry 1972* (1973), p. 466. The 1975 data can be found in *Employment in the Broadcasting Industry 1975* , p. 759. Comparable data were not available for 1971 because, according to Ms. Gang, it was the first year which the FCC required such data and not all broadcasters provided it.

[7] Ralph M. Jennings and Veronica Jefferson, "Television Station Employment Practices: The Status of Minorities and Women 1975," United Church of Christ, Office of Communication (New York: January 1976), pp. 2, 4, and 6. These percentages were computed from data in figures B, E, and H.

[8] Jennings and Jefferson, "Television Station Employment Practices: The Status of Minorities and Women 1974," United Church of Christ, Office of Communication (New York: December 1975), p. 11.

[9] Regarding the size of the sample, the FCC in its *Comments* criticizes:

> . . .the limited nature of the draft report's data base—eight stations—and question[s] whether such data support the contention that the broadcast industry is engaging in mass misclassification of employees on the Form 395.

This Commission undertook its study of job title classification in large part because of the suggestion of the United Church of Christ Office of Communication that large increases in the proportion of employees in the

white and minority employees by sex, station type, and year and part B for a breakdown of minorities by race, ethnicity, and sex, 40-station sample.)

OVERALL EMPLOYMENT STATISTICS—TOP FOUR CATEGORIES

The Form 395 data for the 40 stations selected for this study reflect the findings of the United Church of Christ. The overall proportion of employees in the top four categories increased between 1971 and 1975 and the proportion of minority and female employees classified in these categories also rose. Minority male employment increased by 42.6 percent, minority female employment increased by 80.3 percent, and white female employment increased by 89.4 percent.

While these increases imply that minorities and women are now being employed substantially in "upper level" jobs, actually, they reflect the fact that the employment categories are used in such a way that approximately three-quarters of *all* employees can be classified as "upper level." The following proportions of employees were classified in the top 4 categories at the 40 stations in 1975: 87.6 percent of all white males,[10] 74.7 percent of all minority males, 50.6 percent of all white females, and 39.0 percent of all minority females. Almost 75 percent of all employees at the 40 stations were classified in the top 4 categories. Given the fact that so many employees, especially white male employees, were classified in the upper four categories, the finding that relatively large proportions of minority men and white women were classified in these categories is not as impressive as it might seem. (See table 6.2 for white and minority employees by sex and year in the upper 4 categories, 40-station sample.)

ANALYSIS OF FCC FORM 395 JOB CATEGORIES

What are the "upper-level" jobs which three-quarters of the employees at the television stations hold? To what degree are white women and minority men and women employed in decisionmaking positions? To determine the extent to which women and minorities are being employed at all levels and within all organizational units at local television stations, an indepth analysis of female and minority employment was conducted at the eight television stations selected for on-site interviews.[11] Job title data were requested in a manner which would show the race, ethnicity, and sex of each employee as well as the FCC job category under which they were classified. In addition, organizational charts and the salary range associated with each job title were requested. Each of the eight stations complied substantially with the Commission's request. Analyses of these job titles, organizational charts, and salaries demonstrated that serious misrepresentation of the true employment status of women and minorities is occurring, particularly in the officials and managers category. Furthermore, the data revealed that far from making great gains in "upper level" positions, minorities and women are almost nonexistent at the highest levels of management and in a number of occupational units.

Officials and Managers

The FCC defines the position of official and manager to include:

upper four categories during the past 5 years might be due to misclassification of job titles. The FCC is concerned whether this Commission's data for the eight stations that provided the specific job title data are representative of the 40-station sample as well as of all television stations.

The national data for 1975 published by the United Church of Christ, reported above, show that of all television employees in the Nation, 77.2 percent were classified in the upper four categories in 1975. The data obtained from the 40-station sample show that in 1975, 75 percent of all employees at these stations were classified in the top four categories. At the eight stations, 78.3 percent of all employees were in the top four categories in 1975. Given the comparability of these figures, it is fairly certain that the data reported for the eight-station sample do not differ markedly from other stations.

The FCC also expressed concern about the timeliness of the data:

> We are. . .concerned that the study is based upon data which are no longer accurate or timely. Specifically, the 1975 employment data utilized are more than two years old. . . .We have attached to this letter a station by station analysis of all 68 television stations in the markets utilized by CCR in its 40-station sample, concentrating upon overall minority and female staff participation and in the higher-paying job categories. . . .

This Commission is aware that its data are no more recent than 1975 and appreciated the effort that the FCC expended to provide Form 395 data for 1976. Apparently the FCC neglected to note that the more recent data show that the tendency to classify employees in the upper four categories has increased during the past year. Whereas 75 percent of all employees in the 40-station sample were employed in the upper four categories in 1975, the data provided by the FCC show that 80 percent are in the upper four in 1976.

One of the 40 stations reported 92 percent of its employees in the upper four. Two others reported 89 percent and 87 percent of their employees as being in the upper four. The FCC data also show that 48 percent of the female employees are in the upper four and that 63 percent of all minorities are in the upper four categories.

The FCC seems to have missed the point of chapter 6. This chapter analyzes in detail the FCC's job categorization scheme. The 1976 Form 395 data supplied by FCC could not be used to update the report because the FCC neglected to report employees by job category. The only breakdown of total employees was the "upper four" classification which, as this Commission has already noted, includes almost all employees. Furthermore, the data were not classified by race, ethnicity, and sex.

[10] Employment data for white males and females were obtained by subtracting data for minority males and females from the totals for all males and females.

[11] See chap. 5 for a description of the sample.

Table 6.1

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE, AND YEAR
40 STATION SAMPLE
(Part A)

			WHITE		MINORITY		
			Male	Female	Male	Female	Total Employees
ABC Owned Stations	1971	No.	730	152	90	52	1024
		%	71.29	14.84	8.79	5.08	14.64
	1975	No.	750	202	134	112	1198
		%	62.60	16.86	11.19	9.35	14.65
Percent Change			−12.0	+14.0	+27.3	+84.1	—
CBS Owned Stations	1971	No.	932	287	118	61	1398
		%	66.67	20.53	8.44	4.36	19.99
	1975	No.	771	261	144	90	1266
		%	60.90	20.62	11.37	7.11	15.48
Percent Change			−9.0	—	+34.72	+63.07	−23.0
NBC Owned Stations	1971	No.	765	205	137	75	1182
		%	64.72	17.34	11.59	6.35	16.90
	1975	No.	981	293	219	166	1659
		%	59.13	17.66	13.20	10.01	20.29
Percent Change			−9.0	+2.0	+13.89	+57.64	+20.0
Affiliated Stations	1971	No.	1630	419	168	121	2338
		%	69.72	17.92	7.19	5.18	33.42
	1975	No.	1553	460	273	179	2465
		%	63.00	18.66	11.08	7.26	30.15
Percent Change			−10.0	+4.0	+54.10	+40.15	−10.0
Public Stations	1971	No.	648	283	78	44	1053
		%	61.54	26.88	7.41	4.18	15.05
	1975	No.	819	442	174	153	1588
		%	51.57	27.83	10.96	9.63	19.42
Percent Change			−16.0	+4.0	+47.91	+130.38	+29.0
40 Stations	1971	No.	4705	1346	591	353	6995
		%	67.26	19.24	8.45	5.05	100.00
	1975	No.	4874	1658	944	700	8176
		%	59.61	20.28	11.55	8.56	99.99
Percent Change			−11.0	+5.0	+36.69	+69.51	

Source: The data in this table and in subsequent tables on employment at the 40 television stations in the sample were based on analysis of Form 395 reports.

Table 6.1

(Part B: BREAKDOWN OF MINORITIES BY RACE, ETHNICITY AND SEX)

			BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Total Employees
ABC	1971	No.	59	32	7	7	0	1	24	12	1024
Owned		%	5.76	3.13	0.68	0.68	0.00	0.10	2.34	1.17	14.64
Stations	1975	No.	81	69	16	19	3	1	34	23	1198
		%	6.76	5.76	1.34	1.59	0.25	0.08	2.84	1.92	14.65
Percent Change			+17.0	+84.0	+97.0	+134.0	+100.0	–20.0	+21.0	+64.0	0
CBS	1971	No.	93	51	5	3	0	0	20	7	1398
Owned		%	6.65	3.65	0.36	0.21	0.00	0.00	1.43	0.50	19.99
Stations	1975	No.	95	67	7	10	1	2	41	11	1266
		%	7.50	5.29	0.55	0.79	0.08	0.16	3.24	0.87	15.48
Percent Change			+13.0	+45.0	+53.0	+276.0	+100.0	+100.0	+127.0	+74.0	–23.0
NBC	1971	No.	111	56	5	4	1	1	20	14	1182
Owned		%	9.39	4.74	0.42	0.34	0.08	0.08	1.69	1.18	16.90
Stations	1975	No.	159	129	12	16	4	1	44	20	1659
		%	9.58	7.78	0.72	0.96	0.24	0.06	2.65	1.21	20.29
Percent Change			+2.0	+64.0	+71.0	+182.0	+200.0	–25.0	+57.0	+3.0	+20.0
	1971	No.	134	114	11	2	1	0	22	5	2338
Affiliated		%	5.73	4.88	0.47	0.09	0.04	0.00	0.94	0.21	33.42
Stations	1975	No.	232	148	18	19	4	0	19	12	2465
		%	9.41	6.00	0.73	0.77	0.16	0.00	0.77	0.49	30.15
Percent Change			+64.0	+23.0	+55.0	+756.0	+300.0	0	–18.0	+133.0	–10.0

Table 6.1 (Part B) Continued

			BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Total Employees
Public Stations	1971	No.	59	37	4	5	3	1	12	1	1053
		%	5.60	3.51	0.38	0.47	0.28	0.09	1.14	0.09	15.05
	1975	No.	120	101	11	20	1	5	42	27	1588
		%	7.56	6.36	0.69	1.26	0.06	0.31	2.64	1.70	19.42
Percent Change			+35.0	+81.0	+82.0	+168.0	–79.0	+244.0	+132.0	+1789.0	+29.0
40 Stations	1971	No.	456	290	32	21	5	3	98	39	6995
		%	6.52	4.15	0.46	0.30	0.07	0.04	1.40	0.56	100.00
	1975	No.	687	514	64	84	13	9	180	93	8176
		%	8.40	6.29	0.78	1.03	0.16	0.11	2.20	1.14	99.99
Percent Change			+29.0	+52.0	+70.0	+243.0	+129.0	+175.0	+57.0	+104.0	

Table 6.2

WHITE AND MINORITY EMPLOYEES BY SEX AND YEAR IN THE UPPER FOUR CATEGORIES 40 STATION SAMPLE

Proportion of White and Minority Employees in the Upper Four Categories

		WHITE		MINORITY		
		Male	Female	Male	Female	Total
1971	No.	4128	366	408	125	5027
	%	82.12	7.28	8.12	2.49	99.8
1975	No.	4269	839	705	273	6086
	%	70.14	13.79	11.58	4.49	99.7
Percent Change		−14.59	+89.42	+42.61	+80.32	

Concentration of White and Minority Employees in the Upper Four Categories

		WHITE		MINORITY		
		Male	Female	Male	Female	Total
1971	No.	4128	366	408	125	5027
	%	87.74	27.19	69.04	35.41	71.86
1975	No.	4269	839	705	273	6086
	%	87.59	50.60	74.68	39.0	74.44
Percent Change		−0.17	+86.10	+8.17	+10.14	+3.59

> [o]ccupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation.[12]

The FCC provides the following illustrative examples of positions to be classified as official and managerial:

> [o]fficers of the licensee, station manager and assistant manager, program budget officers, promotion managers, public affairs directors, chief engineers, and those holding equivalent positions.[13]

The official and manager category covers the highest levels of decisionmaking authority at a television station. To what extent are minorities and women classified as officials and managers?

In 1975 the 40 stations employed 1,093 officials and managers of whom 68.3 percent were white males, 20.4 percent were white females, 6.5 percent were minority males, and 4.8 percent were minority females. Officials and managers constituted 13.3 percent of all employees at the 40 stations. The CBS-owned stations reported the highest proportion (42.0 percent) of white females and minorities as officials and managers. The public stations reported the second highest proportion (34.9 percent), followed by ABC-owned stations (30.4 percent), NBC-owned stations (28.4 percent), and the affiliates (25.3 percent).

Between 1971 and 1975, the proportion of officials and managers rose from 12.7 percent to 13.4 percent, representing a proportionate increase of 4.9 percent. During this 5-year period the number of female officials and managers, both white and minority, increased dramatically at every station type. The number of white females more than doubled and the number of minority females more than quadrupled at the 40 stations. The number of minority males

[12] U.S., Federal Communications Commission, "Instructions for Completion of FCC Form 395," January 1975, p. 2. (hereafter cited as "Instructions for Completion of FCC Form 395.")
[13] Ibid., p. 3.

increased as well, but in their case the increase was not as dramatic. (See table 6.3, part A, for white and minority employees by sex, station type, and year for officials and managers, and part B, for a breakdown of minorities by race, ethnicity, and sex, 40-station sample.)

While these gains in minority and female employment as officials and managers may symbolize the realization of equal employment opportunity, many public interest groups[14] have asserted that in actuality minority and female employees are not playing a major decisionmaking role at television stations. They claim that frequently minorities and women are classified as officials and managers but the positions they hold call primarily for routine administrative or even clerical tasks. Former FCC Commissioner Charlotte T. Reid has noted that women have made significant gains in the upper four job categories but has also admitted that "all is not peaches and cream." In this regard she stated:

> I continue to receive complaints that women are being deposited in dead-end jobs or given positions that amount to little more than glorified clerks with quasi-impressive titles. I also hear grumblings of overt favoritism toward men in hiring and promotions, and, occasionally, regarding salary. Sex-typing likewise appears commonplace, especially in smaller and medium market stations. The oft-encountered term "traffic-girl" did not arise by accident.[15]

The work force profile data (list of job titles, organizational charts, and salary ranges) provided by the eight stations support the claim that many minorities and women classified as officials and managers do not actually hold decisionmaking positions. There were 285 officials and managers at the 8 stations of whom 68.4 percent were white males and 22.4 percent were white females. Minority males constituted 6.7 percent and black females constituted 2.8 percent. There were no minority females, other than black females, in an official and managerial capacity at the eight stations.

These officials and managers had 187 different job titles ranging from president and general manager to PBX supervisor. The degree of decisionmaking authority and responsibility associated with these positions and the extent to which they were filled by minorities and women was assessed.

Among 14 top management job titles at the 8 stations were president, vice president, station manager, and general counsel. With the exception of one black male station manager, there were no other minority males and no females in top management.

Seventy-three of the 285 officials and managers were department heads. Of these department heads, 60 (82.2 percent) were white males, 9 (12.3 percent) were white females, 2 (2.7 percent) were black males, and 2 (2.7 percent) were black females.

Among the department head titles held by white males were the following: director of news, director of programming, program and production manager, director of public affairs and advertising, assistant to the general manager for community relations, promotion manager, director of operations, chief engineer, director of business affairs, and director of employee relations.

White female department heads held the following titles: manager of programs, director of broadcast standards, director of public information, director of publicity, commercial operations manager, director of planning and administration, executive secretary and office manager, director of personnel, and director of school television services. With the exception of the program manager and the director of planning and administration, both of whom directed major departments, the organizational charts provided by the stations indicated that none of the other white female department heads had more than one assistant and most comprised departments unto themselves.

Black males headed two departments, as director of community relations at one station and director of instructional television at another. Black males who were classified as officials and managers were frequently employed in community relations departments, but at only one of the six stations did a black male actually head the department. Two other black males were also community relations directors and one was a community affairs director. However,

[14] See, for example, "Comments of the National Organization for Women in the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees," Oct. 14, 1975, p. 10; "Statement of Frank W. Lloyd of Citizens Communication Center, before the Subcommittee on Communications of the Senate Commerce Committee, on Oversight of Recent Deregulatory Action of the Federal Communications Commission," Nov. 6, 1975, p. 14; "Statement of the National Organization for Women, Before the Subcommittee on Communications, Commerce Committee, United States Senate, Hearings on the Operations and Oversight of the Federal Communications Commission," Nov. 6, 1975, p. 5.

[15] Notice of Inquiry and Proposed Rulemaking In the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, separate statement of Commissioner Charlotte T. Reid, 54 FCC 2d 368 (1975).

Table 6.3

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE AND YEAR FOR OFFICIALS AND MANAGERS 40 STATION SAMPLE (Part A)

			WHITE		MINORITY		
			Male	Female	Male	Female	Total
ABC	1971	No.	111	16	8	2	137
Owned		%	81.02	11.68	5.84	1.46	13.38
Stations	1975	No.	103	35	6	4	148
		%	69.59	23.65	4.05	2.70	12.35
Percent Change			–14.1	+102.5	–30.65	+84.93	–7.7
CBS	1971	No.	120	32	3	4	159
Owned		%	75.47	20.13	1.89	2.52	11.37
Stations	1975	No.	116	61	11	12	200
		%	58.00	30.50	5.5	6.0	15.80
Percent Change			–23.1	+51.5	+191.01	+138.09	+39.0
NBC	1971	No.	167	8	13	1	189
Owned		%	88.36	4.23	6.88	0.53	15.99
Stations	1975	No.	126	24	19	7	176
		%	71.59	13.64	10.80	3.98	10.61
Percent Change			–19.0	+222.5	+56.98	+650.94	–33.6
	1971	No.	220	18	10	3	251
Affiliated		%	87.65	7.17	3.98	1.19	10.74
Stations	1975	No.	245	43	21	19	328
		%	74.70	13.11	6.40	5.79	13.31
Percent Change			–14.8	+82.8	+60.80	+386.56	+23.9
	1971	No.	120	29	4	2	155
Public		%	77.42	18.71	2.58	1.29	14.72
Stations	1975	No.	157	60	14	10	241
		%	65.15	24.90	5.81	4.15	15.18
Percent Change			–15.8	+185.9	+125.19	+221.71	+3.1
	1971	No.	738	103	38	12	891
40		%	82.83	11.56	4.26	1.35	12.74
Stations	1975	No.	747	223	71	52	1093
		%	68.34	20.40	6.50	4.76	13.37
Percent Change			–17.5	+76.5	+52.58	+252.59	+4.9

Table 6.3

(Part B: BREAKDOWN OF MINORITIES BY RACE, ETHNICITY AND SEX)

			BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Total
ABC	1971	No.	3	2	3	0	0	0	2	0	137
Owned		%	2.19	1.46	2.19	0.00	0.00	0.00	1.46	0.00	13.38
Stations	1975	No.	1	3	2	0	0	0	3	1	148
		%	0.68	2.03	1.35	0.00	0.00	0.00	2.03	0.68	12.35
Percent Change			+69.0	+39.0	–38.4	—	—	—	+39.0	+100.0	–7.7
CBS	1971	No.	2	3	0	0	0	0	1	1	159
Owned		%	1.26	1.89	0.00	0.00	0.00	0.00	0.63	0.63	11.37
Stations	1975	No.	4	12	2	0	0	0	5	0	200
		%	2.00	6.00	1.00	0.00	0.00	0.00	2.50	0.00	15.80
Percent Change			+58.7	+217.5	+100.0	—	—	—	+296.8	–100.0	+39.0
NBC	1971	No.	11	1	0	0	0	0	2	0	189
Owned		%	5.82	0.53	0.00	0.00	0.00	0.00	1.06	0.00	15.99
Stations	1975	No.	16	7	0	0	0	0	3	0	176
		%	9.09	3.98	0.00	0.00	0.00	0.00	1.70	0.00	10.61
Percent Change			+56.2	+651.0	—	—	—	—	+60.4	—	–33.6
	1971	No.	4	2	2	1	1	0	3	0	251
Affiliated		%	1.59	0.80	0.80	0.40	0.40	0.00	1.20	0.00	10.74
Stations	1975	No.	17	15	3	2	0	0	1	2	328
		%	5.18	4.57	0.91	0.61	0.00	0.00	0.30	0.61	13.31
Percent Change			+225.8	+471.3	+13.8	+52.5	–100.0	—	–75.0	+100.0	+23.9

Table 6.3 (Part B) Continued

			BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Total
Public Stations	1971	No.	1	2	1	0	0	0	2	0	155
		%	0.65	1.29	0.65	0.00	0.00	0.00	1.29	0.00	14.72
	1975	No.	11	8	1	1	0	0	2	1	241
		%	4.56	3.32	0.41	0.41	0.00	0.00	0.83	0.41	15.18
Percent Change			+601.5	+157.4	–37.0	+100.0	—	—	–35.7	+100.0	+3.1
40 Stations	1971	No.	21	10	6	1	1	0	10	1	891
		%	2.36	1.12	0.67	0.11	0.11	0.00	1.12	0.11	12.74
	1975	No.	49	45	8	3	0	0	14	4	1093
		%	4.48	4.12	0.73	0.27	0.00	0.00	1.28	0.37	13.37
Percent Change			+89.8	+267.9	+9.0	+145.5	–100.0	—	+14.3	+236.4	+4.9

these three reported to a department head who was a white male.

Black women also headed two departments. Their titles were manager of community relations, press, and publicity and director of personnel and labor relations. Station organizational charts did not indicate that either had supervisory responsibility.

In sum, of the 87 employees who were in top management positions or who headed departments, only 14 or 16.1 percent were minorities or women. Generally, all these titles conformed with the FCC's definition of officials and managers. However, the organizational charts indicated that most of the women who were department heads were not in a position to set broad policies or to exercise overall responsibility for the execution of these policies.

Analysis of the remaining positions classified under the official and manager category by the eight stations supported the allegation that minorities and women who do not hold policymaking positions are being misclassified as officials and managers. Roughly 80 percent of the minorities and females were in positions which were subsidiary to department heads. Analysis of the organizational charts for the sales departments, to take one example, demonstrates the ways in which white males predominate at the highest levels of station management while minorities and women are employed at the lowest levels. There were eight sales department heads at the commercial stations, all of whom were white males. Furthermore, the six sales department employees reporting directly to the department heads were also white males. Of the remaining 14 official and manager positions listed in sales, 8 were held by white women and 1 was held by a black woman. All but two of these women held "traffic manager" positions. The traffic manager position, most frequently held by women, consists of maintaining logs of programs and/or commercials. While this position is a responsible one in that the traffic manager must make sure that every minute of broadcast time is accurately scheduled, traffic managers do not have decisionmaking responsibility regarding the composition of the program schedule.

Analysis of the job titles classified under the official and manager category provides further evidence that the status of minorities and women is being misrepresented. One station classified a wide range of jobs held by women in the official and manager category, many of which appear to be clerical in nature. Their titles included: supervisor of word processing, news administrator, supervisor of broadcast log, administrator (in charge of scheduling union personnel), administrator (in charge of scheduling motion pictures), sales service administrator (in charge of computer printouts), administrator of budgeting and bookkeeping, and manager of sales traffic. None of these job titles appear to fit FCC's definition for official and manager positions.

This station also misclassified positions held by minority employees. A black female employed as an administrator of commercial films was classified as an official and manager. Similarly, two males of Spanish origin, a supervisor of news graphics and a manager of design, were also categorized as officials and managers. It appears that such managerial titles as "supervisor," "administrator," and "manager" are used to justify the inclusion of these positions under the official and manager category, but they more aptly denote professional or clerical positions. (See table 6.4 for a detailed list of all official and manager job titles reported by the eight stations, organized by department, hierarchy, race, ethnicity, and sex.)

Table 6.4

OFFICIAL AND MANAGER JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY DEPARTMENT, HIERARCHY, SEX, RACE, AND ETHNICITY[1]

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
TOP MANAGEMENT								
President	2							
Vice President and General Manager[2]	7							
Station Manager	3		1					
General Counsel	1							
	13	0	1	0	0	0	0	0
EDITORIALS								
Department Head								
Editorial Director	3							
	3	0	0	0	0	0	0	0
NEWS								
Department Head								
Director of News	7							
	7	0	0	0	0	0	0	0
Officials and Managers Directly Reporting to Department Head								
Assistant News Director	3							
News Assignment Manager	1							
News Assignment Editor	1							
Executive Producer, News	1							
News Supervisor	1							
	7	0	0	0	0	0	0	0
Subsidiary Officials and Managers								
News Assignment Manager	1							
Business Manager	1							
News Administrator		1						
Supervisor, News Graphics							1	
	2	1	0	0	0	0	1	0

Source: The data in this table and in subsequent tables reporting job titles at eight television stations were based on analysis of job title lists made available by these stations.

1. The following abbreviations are used for race, ethnicity and sex: WM, white males; WF, white females; BM, black males; BF, black females; AAM, Asian American males; AAF, Asian American females; SOM, Spanish Origin males; SOF, Spanish Origin females.

2. One station reported both a President and a Vice President and General Manager.

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
PROGRAMMING[3]								
Department Head								
Director of Programming	4							
Director of Broadcasting	1							
Director of Public Affairs and Advertising	1							
Manager, Programs		1						
Program and Production Manager	1							
Executive Director of National Center for Experimental Television	1							
	8	1	0	0	0	0	0	0
Administrative Programming/Production Officials and Managers								
Programming								
Program Director	1							
Program Manager	1							
Director of Public Affairs	1							
Manager of Programming and Broadcasting	1							
Director of Film and Program Services	2							
Director of Program Administration	1							
Assistant Director of Programming	1							
Broadcast Administrator for Baseball	1							
Program Traffic Manager		1						
Administrator of Commercial Films				1				
Administrator of Motion Picture Scheduling		1						
Manager, License Administration and Public Service		1						
	9	3	0	1	0	0	0	0
Production								
Executive Producer[4]	10	2	3				1	
Director of Production	1							
Production Supervisor	3	1						
Production Manager[4]	7	5		1				
Project Director		1						
Associate Producer	1							
Director of Film	1							
Film Services Manager	2							

3. It was impossible to develop a hierarchy of management in programming due to an immense diversity in the organizational structure of programming departments at the stations in the sample.

4. At four stations these titles were classified under the professional category.

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
PROGRAMMING (cont'd.)								
Production (cont'd.)								
Staging Services Manager	1							
Film Lab Manager	1							
Film Processing Supervisor	1							
Film Department Shipping Manager	1							
Director of TV Lab	1							
Manager, Music Services	1							
	31	9	3	1	0	0	1	0
Artists								
Creative Arts Director	1							
Director of Graphic Arts	1							
Art Director			1					
Design Manager							1	
	2	0	1	0	0	0	1	0
BROADCAST STANDARDS								
Department Head								
Director of Broadcast Standards		1						
Director of Film and Broadcast Standards	1							
Manager of Broadcast Standards	1							
	2	1	0	0	0	0	0	0
COMMUNITY RELATIONS								
Department Head								
Director of Public Affairs	1							
Assistant to General Manager, Community Relations	1							
Director, Community Relations			1					
Manager, Community Relations, Press and Publicity				1				
Manager, Community Relations	1							
	3	0	1	1	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Director, Community Relations			2					
Community Affairs Director			1					
Public Service Editor		1						
	0	1	3	0	0	0	0	0

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
COMMUNITY RELATIONS (cont'd.)								
Subsidiary Officials and Managers								
Manager, Community Relations							1	
Public Service Director		1						
Assistant to Director, Community Relations		1						
	0	2	0	0	0	0	1	0
PROMOTION								
Department Head								
Director of Promotion, Information Services and Design	1							
Advertising and Promotion Director	1							
Director of Public Information		1						
Public Relations Director	1							
Director, Publicity		1						
Manager, Advertising and Promotion	1							
Promotion Manager	2							
	6	2	0	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Promotion Director	1							
Promotion Manager	2							
Manager, Promotion and Information	1							
Assistant Promotion Manager		2						
Manager, Press Information	1							
Assistant to Director of Public Information	1							
	6	2	0	0	0	0	0	0
Subsidiary Officials and Managers								
Assistant Promotion Manager		1						
Publicity Manager	1							
	1	1	0	0	0	0	0	0
OPERATIONS/ENGINEERING[5]								
Department Head								
Vice President/Director of Operations	1							

5. There was considerable overlap between Operations and Engineering departments at a number of stations. At some, the Director of Operations reported to the Chief Engineer; at others the reverse was true. At still others, only one such position was reported. For the purposes of clarity, the two departments were combined into one synthesized department and all positions were listed according to the hierarchy reported at each individual station.

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
OPERATIONS/ENGINEERING (cont'd.)								
Department Head (cont'd.)								
Director of Operations	4							
Chief Engineer	4							
Commercial Operations Manager		1						
	9	1	0	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
OPERATIONS								
Director, Technical Operations	1							
Manager, Technical Operations	2							
Manager, Technical Services	1							
Operations Supervisor	1							
Scheduling Operations Supervisor	1							
Technical Operations Supervisor	2							
Traffic and Communications Supervisor	1							
Traffic and Technical Coordinator	1							
ENGINEERING								
Director, Engineering	1							
Chief Engineer	1							
Assistant Chief Engineer	1							
Engineering Supervisor	2							
Maintenance Supervisor	1							
	16	0	0	0	0	0	0	0
Subsidiary Officials and Managers								
OPERATIONS								
Manager, Technical Operations	1							
Manager, Broadcast Operations		1						
Supervisor, Technical Operations	2							
Supervisor, Schedule Systems	1							
Scheduling Supervisor		1						
Supervisor, Broadcast Log		1						
Traffic and Technical Coordinator	1							
Traffic Manager				1				
Manager, Videotape Library	1							
Manager, Production Facilities	1							
ENGINEERING								
Assistant Director of Engineering	1							
Coordinating Manager of Engineering				1				
Engineering Supervisor	3							
Manager, Studio Operations			1					
Director, Training School				1				
	12	3	1	3	0	0	0	0

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
SALES[6]								
Department Head								
Director of Sales	2							
Manager, Sales Administration	1							
General Sales Manager[7]	1							
National Sales Manager[7]	1							
Sales Manager	1							
Director of Sales Development[7]	1							
Local Sales Manager	1							
	8	0	0	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Sales Manager	2							
Local Sales Manager	1							
National Sales Manager	1							
General Sales Manager	2							
	6	0	0	0	0	0	0	0
Subsidiary Officials and Managers								
Sales Manager	1							
National Sales Manager		1						
National Regional Sales Manager	1							
Retail Sales Manager	1							
Research Director	1	1						
Sales Traffic Manager		2						
Supervisor Sales Service Traffic	1							
Supervisor Sales Traffic				1				
Sales Service Administrator		1						
Sales Administrator		1						
National Sales Traffic Manager		1						
Traffic Manager		1						
	5	8	0	1	0	0	0	0
DEVELOPMENT[8]								
Department Head								
Vice President and Director of Development	1							
Director of Development	1							
	2	0	0	0	0	0	0	0

6. Data are reported for the six commercial stations.
7. One station listed three department heads.
8. Data are for two public television stations.

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
DEVELOPMENT (cont'd.)								
Officials and Managers Reporting Directly to Department Head								
Director of Corporate Underwriting	1							
Director of Foundations and Government Underwriting	1							
Director of National Development		1						
Director, International Division		1						
Director of Membership	1	1						
Director of Independence Fund		1						
	3	4	0	0	0	0	0	0
Subsidiary Officials and Managers								
Director of Volunteers	1							
Director of Auction		2						
Director of Friends		1						
Assistant Director of Foundations and Government Underwriting		1						
Senior Project Officer (Foundations and Government Underwriting)		1						
Manager Sales and Services		1						
Underwriting Executives[9]	4							
	5	6	0	0	0	0	0	0
ADMINISTRATION								
Department Head								
Treasurer, Finance and Administration	1							
Director of Planning and Administration		1						
Director, Business Affairs	1							
Controller	2							
General and Administration Business Manager	1							
Manager, Business Affairs	1							
Business Manager	1							
Executive Secretary and Office Manager		1						
	7	2	0	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Assistant Controller	1							
Assistant Business Manager	1							
Senior Accountant and Auditor	1							
Supervisor, Budget Accounting	1							
Director of Budget/Cost Control	1							

9. Account Executives at commercial stations are listed under the Sales EEO category, table 6.10.

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
ADMINISTRATION (cont'd.)								
Officials and Managers Reporting Directly to Department Head (cont'd.)								
Accounting Services Manager		1						
Director of Budgets and Accounting	1							
Manager, Office Services		1						
	6	2	0	0	0	0	0	0
Subsidiary Officials and Managers								
Director of Accounting	1							
Manager, Financial Planning	1							
Manager, Treasury Operations	1							
Manager, Building Services			1					
Manager, Financial Services		1						
Production Cost Controller					1			
Credit Manager		1						
Payroll Supervisor		2						
Office Manager		1						
Services Manager	1							
Mailroom Supply Manager	1							
Manager, Data Processing	1							
Manager of General Accounting	1							
Supervisor in charge of Maintenance	1							
Analyst Programmer	1							
Administrator of Budget and Bookkeeping		1						
Supervisor, Revenue		1						
Billing Supervisor		1						
PBX Supervisor		1						
Assistant to Director of Planning		1						
Assistant Manager, Accounting	1							
Purchasing Agent	1							
Supervisor of Word Processing		1						
Administrator, Scheduling Union Personnel		1						
	11	12	1	0	1	0	0	0
PERSONNEL AND LABOR RELATIONS								
Department Head								
Director of Personnel and Labor Relations				1				
Director of Personnel		1						
Director of Employee Relations	1							
	1	1	0	1	0	0	0	0

Table 6.4 Continued

	WM	WF	BM	BF	AAM	AAF	SOM	SOF
INSTRUCTIONAL TELEVISION								
Department Head								
Director of Instructional Television			1					
Director of School Television Services		1						
	0	1	1	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Associate Director of Education			1					
Manager of Utilization	1							
Director of Media Services		1						
	1	1	1	0	0	0	0	0
MISCELLANEOUS								
Department Head								
Vice President of Corporate Projects	1							
Development Engineer	1							
	2	0	0	0	0	0	0	0
Officials and Managers Reporting Directly to Department Head								
Assistant Director of Corporate Projects	1							
	1	0	0	0	0	0	0	0
TOTAL OFFICIALS AND MANAGERS (285)	195	64	13	8	1	0	4	0
	68.4	22.4	4.9	2.8	0.4	—	1.4	—

The salary data made available by five of the eight stations also substantiates the claim that the status of many women and minorities who are classified as officials and managers is being misrepresented.[16] Minority male officials and managers held positions which paid less than those held by white males, and white female officials and managers earned substantially less than white males and minority males. Minority females held official and manager positions in which they earned less than any other group.

The median starting salaries[17] for white female officials and managers ranged from a low of $9,000 at one of the affiliated stations to a high of $14,000 at one of the network-owned stations. In contrast, the median starting salaries for positions held by white males ranged from $15,000 to $25,000. Median starting salaries for positions held by minority males ranged from $13,000 to $20,000. No station employed more than one or two black female officials and managers. The median starting salaries associated with their job titles ranged from $8,200 to $13,000, which was slightly lower than the median starting salaries paid to white females and considerably less than that paid to white males. In sum, the median starting salaries of both white and minority women were lower than those of either white or minority men in official and manager positions.

The median maximum salaries for positions held by female officials and managers were lower than those for official and manager positions held by

[16] Three stations provided the salary ranges associated with each job title, one provided starting salaries only, and one station provided the actual salaries earned by each employee by job title.

[17] The median starting salaries were computed by ranking the starting salaries associated with each of the official and manager job titles for white and minority employees by sex. The same procedure was used to compute the medians for the maximum salaries employees could earn.

males. White males were employed in positions with maximum salaries whose medians ranged from $27,000 to $29,000 per year; the comparable figures for minority males were $22,750 to $28,700. The maximum salaries associated with positions held by white females ranged from $15,000 to $25,000 per year; comparable figures for minority females were $15,000 to $23,000.

One station provided the actual salaries earned by its employees. White male officials and managers earned substantially more than women and minorities. The median salary of the white male officials and managers was $26,800; white females earned a median salary of $17,000. The one minority male official and manager earned $18,000, and the one minority female earned $20,196.

The misclassification of females as officials and managers is further illustrated by another pattern which emerged from the analysis of the salary data. The higher the proportion of female officials and managers reported by a station, the greater the difference in the starting salaries associated with job titles held by women compared to those held by men. This pattern is largely due to the fact that many female "officials and managers" were really in clerical positions, earning clerical salaries. The station which reported the highest proportion of female officials and managers (34.1 percent) also reported the largest difference in the median starting salaries associated with positions held by females versus those held by males. Women held positions whose median starting salaries were $8,000 less than those held by men. The station that reported the second greatest disparity ($6,000) between the median starting salaries of male and female officials and managers had the second highest proportion (27.8 percent) of female officials and managers. At a third station the comparable figures were $5,750 and 24.8 percent. Finally, the station which reported the lowest proportion of female officials and managers (20.0 percent) had the smallest differential between the median starting salaries of males and females. Men held positions whose median starting salaries were $2,250 more than those held by women.

The foregoing analysis of the official and manager category demonstrates that most women and minorities have very little policymaking or supervisory responsibility at the eight stations. Except for the 13 who were department heads, minorities and women classified as officials and managers appear on the lower levels of the station ' organizational charts. Their job titles indicate that many actually perform administrative and clerical functions, rather than official and managerial ones. It is unlikely that employees with the responsibility of running a station's operations could earn as little as $8,200 and have the potential to earn a maximum of $15,000. Evidently, the employment gains made by minorities and women between 1971 and 1975 as reported on FCC's 395 Forms are illusory. The gains simply reflect the misrepresentation of the status of minorities and women at these stations.

Professionals

The FCC defines professional positions as those "Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background."[18] Along with this definition, the FCC lists a wide variety of professional occupations which apply to any industry. There are several occupations on this list that are applicable to broadcasting (on-the-air personnel, accountants, artists, editors, engineers, and personnel workers) but the FCC fails to point these out to the broadcaster. Instead, the FCC tacks on another definition of professionals in the broadcasting industry—"persons engaged in the writing, preparation and production of programming."[19] This definition includes "Continuity and newswriters, or editors, producers and directors of programs, floor directors, announcers, singers, actors, music librarians, and those in similar positions."[20]

In 1975 over one-fourth (2,159) of all employees at the 40 stations were classified as professionals. Of these employees, white males constituted 60.3 percent, white females 20.4 percent, minority males 11.3 percent, and minority females 8.1 percent. Public stations reported the highest proportion (50.1 percent) of minorities and white women employed as professionals, followed by the NBC-owned stations (44.2 percent), the ABC-owned stations (37.8 percent), the affiliates (34.5 percent), and the CBS-owned stations (32.9 percent).

The number of employees classified as professionals increased between 1971 and 1975 from 1,722 to 2,159, contributing to a concomitant increase in the proportion of all employees classified as professionals. These increases took place at all station types

[18] "Instructions for Completion of FCC Form 395," p. 3.
[19] Ibid.
[20] Ibid.

with the exception of the CBS-owned stations. The proportion of minorities and women classified as professionals also increased. The proportion of white female professionals increased by 51.0 percent (from 13.5 percent to 20.4 percent), minority male professionals by 32.5 percent (from 8.4 percent to 11.2 percent), and minority female professionals by 28.1 percent (from 6.3 percent to 8.1 percent). (See table 6.5, part A, for white and minority employees by sex, station type, and year for professionals, and part B, for a breakdown of minorities by race, ethnicity, and sex, 40-station sample.)

There were a total of 520 employees categorized as professionals at the 8 stations in 1975. White males constituted more than half of these employees (57.3 percent) and white females constituted 25 percent. The remainder (less than 20 percent) were minorities. Of these, 8.5 percent were black males, 5.2 percent were black females, 2.1 percent were males of Spanish origin, 1.0 percent were females of Spanish origin, and 1.0 percent were Asian American females. There were no Asian American males or Native Americans in professional positions.

Within the professional job category, there were 160 different job titles. The job titles were organized into 11 different categories: on-the-air professionals, producers, studio directors, script editors, writers, researchers, graphic and scenic artists, TV studio professionals, administrative programming/production personnel, publicity/promotion/public service personnel, and non-programming non-production administrative personnel.

White males predominated in 9 of the 11 categories. Within each of the categories directly related to program production (producers, directors, writers, editors, administrative personnel, artists, TV studio professionals), the majority of the positions which require the highest levels of decisionmaking responsibility were held by white males. For example, of the 68 top level producer (senior producer and producer) positions, 42 were held by white males, 20 were held by white females, 5 were held by minority males, and 2 by minority females. Similarly, the art directors and senior artists listed as professionals were all white males.

On the other hand, the majority of the lower level positions in several of the production-related categories were filled by minorities or women. For example, of the 48 associate producers and production assistants, 29 were white women, 7 were minority women, and 3 were minority men. White female professionals, other than producers, were most frequently found in writing and research positions. Only one white male was found among the 20 researchers.

Minority males and females constituted less than 20 percent of all professional employees. Half were employed either as on-the-air professionals, as producers, or as associate producers. Minority employment was minimal in the following categories: directors, editors, writers, and publicity.

Interestingly, over one-fourth (26.1 percent) of all minority male and female professionals were on-the-air personnel. On a proportionate basis, more minority females (32.4 percent) held on-the-air positions than any other group. Of the white males, 29.9 percent held on-the-air positions, of minority males, 21.8 percent, and of white females, 10.1 percent. Most of these minority females were employed as news reporters. (See table 6.6 for a detailed list of professional job titles reported by the eight stations, organized by job function, race, ethnicity, and sex.)

The relatively high proportion of minority females (and to a lesser extent, minority males) employed as on-the-air talent, along with minimal representation of minorities in decisionmaking positions, supports the notion of minority and female "presence without power," i.e., that minorities and females are being placed in a few highly visible positions while being excluded from the decisionmaking process. In this regard, Joel Dreyfuss has aptly described the status of blacks and other minorities in television merely as window-dressing:

> Numbers alone are misleading. There are indeed more blacks than ever in television—but at one time there were none. And few have reached decisionmaking positions at either the networks or at local stations. The blacks and other minorities on television are generally in very visible positions—on camera—but most of the decisions about what they say and do are made behind the scenes, by producers, news directors and executives, almost all of whom are white.[21]

One of the major concerns expressed by the Kerner Commission and reiterated by the FCC in its 1968 notice of proposed rulemaking on equal employment opportunity was that of minority presence

[21] Joel Dreyfuss, "Blacks and Television Part III: Presence Without Power," *Washington Post*, Sept. 3, 1974, p. B1.

Table 6.5

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE, AND YEAR FOR PROFESSIONALS 40 STATION SAMPLE (Part A)

			WHITE		MINORITY		
			Male	Female	Male	Female	Total
ABC	1971	No.	208	21	24	11	264
Owned		%	78.79	7.95	9.09	4.17	25.78
Stations	1975	No.	248	60	53	38	399
		%	62.16	15.04	13.28	9.52	33.31
Percent Change			–21.1	+89.2	+46.09	+128.30	+29.2
CBS	1971	No.	257	78	34	12	381
Owned		%	67.45	20.47	8.92	3.15	27.25
Stations	1975	No.	216	60	33	13	322
		%	67.08	18.63	10.25	4.04	25.43
Percent Change			–0.55	–9.0	+14.91	+28.25	–6.68
NBC	1971	No.	164	32	33	13	242
Owned		%	67.77	13.22	13.64	5.37	20.47
Stations	1975	No.	210	82	48	36	376
		%	55.85	21.81	12.77	9.57	22.66
Percent Change			–17.6	+65.0	–6.38	+78.21	+11.0
	1971	No.	443	43	38	63	587
Affiliated		%	75.47	7.33	6.47	10.73	25.11
Stations	1975	No.	412	94	69	54	629
		%	65.50	14.94	10.97	8.59	25.52
Percent Change			–13.2	+103.8	+69.55	–19.94	+1.6
	1971	No.	163	59	16	10	248
Public		%	65.73	23.79	6.45	4.03	23.55
Stations	1975	No.	216	145	38	34	433
		%	49.88	33.49	8.78	7.85	27.27
Percent Change			–24.1	+41.0	+36.12	+94.79	+15.8
	1971	No.	1235	233	145	109	1722
40		%	71.72	13.53	8.42	6.33	24.62
Stations	1975	No.	1302	441	241	175	2159
		%	60.31	20.43	11.16	8.11	26.41
Percent Change			–15.9	+51.0	+32.54	+28.12	+7.3

Table 6.5

(Part B: BREAKDOWN OF MINORITIES BY RACE, ETHNICITY AND SEX)

			BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Total
ABC	1971	No.	16	6	0	1	0	0	8	4	264
Owned		%	6.06	2.27	0.00	0.38	0.00	0.00	3.03	1.52	25.78
Stations	1975	No.	29	27	4	4	0	0	20	7	399
		%	7.27	6.77	1.00	1.00	0.00	0.00	5.01	1.75	33.31
Percent Change			+20.0	+198.2	+100.0	+166.2	—	—	+65.3	+15.1	+29.2
CBS	1971	No.	22	9	3	0	0	0	9	3	381
Owned		%	5.77	2.36	0.79	0.00	0.00	0.00	2.36	0.79	27.25
Stations	1975	No.	23	8	1	2	0	1	9	2	322
		%	7.14	2.48	0.31	0.62	0.00	0.31	2.80	0.62	25.43
Percent Change			+23.7	+5.1	–60.8	+100.0	—	+100.0	+18.6	–21.5	–0.07
NBC	1971	No.	28	11	0	1	0	0	5	1	242
Owned		%	11.57	4.55	0.00	0.41	0.00	0.00	2.07	0.41	20.47
Stations	1975	No.	32	25	6	10	0	0	10	1	376
		%	8.51	6.65	1.60	2.66	0.00	0.00	2.66	0.27	22.66
Percent Change			–26.4	+46.2	+100.0	+548.8	—	—	+28.5	—	+11.0
	1971	No.	36	63	1	0	0	0	1	0	587
Affiliated		%	6.13	10.73	0.17	0.00	0.00	0.00	0.17	0.00	25.11
Stations	1975	No.	60	45	4	5	0	0	5	4	629
		%	9.54	7.15	0.64	0.79	0.00	0.00	0.79	0.64	25.52
Percent Change			+55.6	–33.4	+276.5	+100.0	—	—	+364.7	+100.0	+1.6
	1971	No.	14	10	0	0	0	0	2	0	248
Public		%	5.65	4.03	0.00	0.00	0.00	0.00	0.81	0.00	23.55
Stations	1975	No.	25	22	2	4	0	1	11	7	433
		%	5.77	5.08	0.46	0.92	0.00	0.23	2.54	1.62	27.27
Percent Change			+2.1	+26.1	+100.0	+100.0	—	+100.0	+213.6	+100.0	+15.8
	1971	No.	116	99	4	2	0	0	25	8	1722
40		%	6.74	5.75	0.23	0.12	0.00	0.00	1.45	0.46	24.62
Stations	1975	No.	169	127	17	25	0	2	55	21	2159
	1975	%	7.83	5.88	0.79	1.16	0.00	0.09	2.55	0.97	26.41
Percent Change			+16.2	+2.3	+243.5	+866.7	—	+100.0	+75.9	+34.1	+7.3

Table 6.6

PROFESSIONAL JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY JOB FUNCTION, SEX, RACE AND ETHNICITY[1]

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
ON-THE-AIR PROFESSIONALS[2]										
News Anchor	1									
News Correspondent Anchor	2		1	1						
Executive Editor and Chief Correspondent	1									
News Correspondent and Reporter	48	9	4	7					1	1
Investigative Street Reporter	1									
Street Feature Reporter	1									
Weather-Ecology Reporter	1									
Sports Director	1									
Sports Announcer/Reporter	1									
Sports Announcer/Photographer			1							
Producer/Reporter	7									
Producer/Talent			1							1
Talent	7	3	1	1					2	
Announcers	18	1	1							
Local News Trainee				1						
	89	13	9	10	0	0	0	0	3	2
PRODUCERS										
Senior Producer	2	1								
Producer	22	14	2	1		1				
Film Producer	2									
News Producer	3	2								
Sports Producer	2									
Contributing Producer	1									
Segment Producer	1									
Consulting Segment Producer	1									
Field Producer		1								
Promotion Producer									1	
Producer-Director	8	2	1							
Producer-Reporter			1							
Temporary Producer-Director	1									
Associate Producer	6	17	2	4		1			1	1
Assistant Producer		1								
Associate Producer-Writer		1								
Associate Producer-Researcher		1								

1. The following abbreviations are used for race, ethnicity, and sex: WM, white males; WF, white females; BM, black males; BF, black females; AAM, Asian American males; NAF, Native American females; SOM, Spanish Origin males; SOF, Spanish Origin females.

2. Data reported here reflect job titles provided by all eight stations. However, one station limited its list of on-the-air professionals to staff announcers.

Table 6.6 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
PRODUCERS (cont'd.)										
Associate Producer-Assistant to Executive Producer				1						
Minority Production Unit			2	1					2	
Programming and Production Assistant	3	9								
	52	49	8	7	0	2	0	0	4	1
STUDIO DIRECTORS										
Director	29	1	1							
Newsroom Director		1								
Associate Director	3	1								
Associate Director-Supervisor	5									
Associate D.G.A.	6	1	1							
Operator-Director	1									
Director-Cameraman	2									
	46	4	2	0	0	0	0	0	0	0
SCRIPT EDITORS										
Assignment Editor	3	1	1							
Assignment Desk	1		1	1						
Editor/TV Script Supervisor	2									
Associate Editor	1									
	7	1	2	1	0	0	0	0	0	0
WRITERS										
Newswriter	18	12	2			1			1	
Writer-Associate Producer			1							
Writer/Senior Writer/Junior Writer	6	1								
Continuity Writer	1	2								
Copywriter	1									
	26	15	3	0	0	1	0	0	1	0
RESEARCHERS										
Researcher	1	9	1	3					1	1
Research Analyst-Writer		1								
Research Coordinator		1								
Miscellaneous Research-Production		2	1							
	1	13	2	3	0	0	0	0	1	1

Table 6.6 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
GRAPHIC ARTISTS AND SCENIC ARTISTS										
Art Director/Director Creative Services	4									
Chief Training Artist/Artist in Residence/Senior Head Artist	3									
Production Coordinator/Graphic Artist			1							
Assistant Art Director	1									
Artist/Staff Artist/Promotion Artist	1	2								
Scenic Designer/Scenic Artist	3		1							
Graphic Artist/Graphic Artist-Leadman	3	5	2						1	
Artist Assistant	1		1							
Leadman	1									
	17	7	5	0	0	0	0	0	1	0
TV STUDIO PROFESSIONALS										
Lighting Director/Head Lighting Director	3									
Stage/Studio/Floor Manager	9	2	7							
Stage Manager-Assistant Director	1									
Studio Supervisor	1									
Engineer-in-Charge/Manager of Engineering	2									
Record Turner	1									
Makeup Artist	2									
	19	2	7	0	0	0	0	0	0	0
PUBLICITY/PROMOTION/PUBLIC SERVICE PERSONNEL										
Administrator, Advertising and Promotion/Administration, Press and Publicity	2									
Senior Publicist		1								
Writer/Publicist/Writer-Promotion	5	1	1							
Broadcast Promotion Editor/Public Service Editor		2								
Information Specialist	1									
Publication Coordinator/Information Service Coordinator		2								
Associate Promotion Director	1									
Listings Editor-Publicist		1								
Promotion Consultant	1									
Public Service Coordinator		1								
Direct Response Manager		1								
	10	9	1	0	0	0	0	0	0	0

Table 6.6 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
ADMINISTRATIVE PROGRAMMING/ PRODUCTION PERSONNEL										
Programming										
Program Manager		1								
Assistant Director of News		1								
TV News Coordinator	1									
Manager of Program Schedule	1									
Project Coordinator		1								
ITV Utilization Coordinator		1								
ITV Field Representative		1								
Morgue Librarian		1								
Assistant Film Tape Librarian			1							
Production										
Staff Director, Productions	2									
Casting Director	1									
Manager Production Operations	1									
Manager Field Operations	1									
Production Coordinator	5	3		1					1	1
Film Crew Coordinator	1									
Music Rights Librarian	1									
News Film Librarian				1						
Operations										
Operations Director	6		1							
Coordinator of Operations and Programming	1									
Assistant Operations Coordinator			1							
Operations Log Coordinator				1						
Film Service Assistant	1									
Supervisor Film Lab	1									
	23	9	3	3	0	0	0	0	1	1
NON-PROGRAMMING/NON-PRODUCTION ADMINISTRATIVE PERSONNEL										
Assistant to the President	1									
Assistant to the General Counsel	1									
Legal Affairs Coordinator		1								
Special Projects Manager		1								
Auction Manager		1								
Advertising Representative		1								
London Representative	1									
Community Service Representative		1								
Personnel Coordinator		1		1						
Coordinator Administrative Services				1						

Table 6.6 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
NON-PROGRAMMING/NON-PRODUCTION ADMINISTRATIVE PERSONNEL (cont'd.)										
Administrative Assistant		1								
Chief Accountant/Chief Cashier			1			1				
Accounting Supervisor/Supervisor of Cashiers	2									
Financial Analyst	2									
Supervisor Accounts Payable		1								
Senior Accounting Clerk						1				
Mail Room Supervisor	1		1							
Keypunch Operator				1						
	8	8	2	3	0	2	0	0	0	0
TOTAL PROFESSIONALS (520)										
	298	130	44	27	0	5	0	0	11	5
	57.3	25.0	8.5	5.2	—	1.0	—	—	2.1	1.0

without power. In this regard the Kerner Commission noted:

> Tokenism—the hiring of one Negro reporter, or even two or three—is no longer enough. Negro reporters are essential, but so are Negro editors, writers and commentators. Newspaper and television policies are, generally speaking, not set by reporters. Editorial decisions about which stories to cover and which to use are made by editors.[22]

The FCC concurred wholeheartedly with the Kerner Commission's concerns and urged broadcast licensees to respond with a full commitment to equal employment opportunity. The FCC stated:

> . . .we stress that simply to comply with the requirements of the national policy—to say, "We can't find qualified Negroes"—is not enough. What is called for is a commitment going beyond the letter of the policy and attuned to its spirit and the demands of the times.[23]

The foregoing analysis of professional job titles used by the eight stations indicates that few minorities and women are in program decisionmaking positions. Despite the Kerner Commission's and the FCC's urgent appeals to broadcasters to go beyond the letter of the law and to actively recruit minorities for key editorial and writing positions, the employment data suggest that minorities continue to be hired as tokens in highly visible positions, without decisionmaking responsibility.

The professional category used on Form 395 is so broadly defined and includes such a wide range of positions associated with program production, in particular, and other areas of station activity, in general, that the degree of decisionmaking responsibility which employees have is obscured. Thus, this form is inadequate for determining the extent to which minorities and women participate in the program decisionmaking process.

Technicians

The Form 395 instructions provide the following definition of technical positions:

> Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high

[22] *Report of the National Advisory Commission on Civil Disorders*, Otto Kerner, Chairman (N.Y.: Bantam Books, 1968), p. 385.

[23] Memorandum Opinion and Order and Notice of Proposed Rulemaking In the Matter of Petition for Rulemaking to Require Broadcast Licensees to Show Nondiscrimination In Their Employment Practices, 13 FCC 2d 774, 775 (1968).

school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training.[34]

Here, too, a long list of technical occupations is provided, half of which apply to the broadcasting industry. These include: computer programmers and operators, draftsmen, engineering aides, junior engineers, photographers, radio operators, and electronic technicians. For broadcast licensees, the FCC specifies that they should also include audio and visual engineers, cameramen (live or film), film processors, lightmen, and stagehands as technicians on the 395 Form.[35]

The 40 stations reported that 2,524 employees (30.9 percent) were classifed as technicians in 1975. Over 80 percent of these employees were white males, 13.9 percent were minority males, 3.5 percent were white females, and 1.5 percent were minority females. The NBC-owned stations employed the highest proportion of white women and minorities as technicians in 1975 (25.1 percent). Minorities and women constituted 22.7 percent of the technicians at the public stations. The lowest proportions of minorities and women employed as technicians were reported by the ABC-owned stations (17.8 percent), the affiliated stations (16.2 percent), and the CBS-owned stations (13.4 percent).

The actual number of technicians employed by the 40 stations increased by 15.4 percent between 1971 and 1975. However, the proportionate representation of technicians in the work force decreased slightly (by 1.3 percent) during the 5-year period. At the same time, the proportion of women and minorities in technical jobs increased. The proportion of minority male technicians increased by 50.3 percent. The proportion of white females more than doubled, increasing from 1.1 percent in 1971 to 3.5 percent in 1975. Finally, the proportion of minority female technicians was more than 7 times greater in 1975 (1.5 percent) than it was in 1971 (0.2 percent). Despite the proportionate gains made by women in the technical category, only 5.4 percent of all female employees at the 40 stations were classified as technicians in 1975. (See table 6.7 for a breakdown of white and minority technicians by sex.)

Technical employees constituted the highest proportion (31.1 percent) of the eight stations' work forces. There were 587 technicians, of whom white males constituted the largest proportion by far (78.4 percent), followed by minority males (15.7 percent), white females (4.1 percent), and minority females (1.9 percent). The job titles provided by the eight stations for technical employees were organized into eight categories: supervisory personnel, engineers and technicians, film personnel, camera/sound personnel, artists, crew members, announcer/operators, and computer operators.

The 17 technical positions which were supervisory in nature were all held by white males. Of the 374 engineers and technicians, over 80 percent were white males, 12.5 percent were minority males, 3.4 percent were white females, and 1.3 percent were black females. The majority of the white and black females classified as technicians were engineers. Black women were the only minority females in engineering positions.

Minority males constituted a larger proportion of the film and camera/sound personnel than they did of the engineers (24.3 percent and 30.8 percent, respectively). There were four white females and one black female working in film and one white female and one Asian-American female in camera (See table 6.8 for a detailed list of technician job titles reported by the eight stations, grouped by job function, race, ethnicity, and sex.)

In sum, roughly one-fifth of the technicians were minorities and white females. While their numbers have increased between 1971 and 1975, the technical category is still largely dominated by white males, who also held all of the supervisory positions at the eight stations.

Sales

The FCC defines sales positions as "occupations engaging wholly or primarily in direct selling."[36] The only occupations listed by the FCC which closely approximate broadcasting positions are advertising agents and salesmen.

Sales personnel accounted for only 3.8 percent (310) of all employees at the 40 stations in 1975. White males constituted 55.8 percent of these employees, white females 27.7 percent, minority males 13.9 percent, and black females 2.6 percent. Black women were the only minority females classified under the sales category in 1975.

[34] "Instructions for Completion of FCC Form 395," p. 3.

[35] Although the U.S. Commission on Civil Rights does not sanction the use of sexist job titles such as "cameramen" and "lightmen," these are the titles which the FCC uses as examples of technical jobs and are terms of art in the industry.

[36] "Instructions for completion of FCC Form 395," p.3.

Table 6.7

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE AND YEAR FOR TECHNICIANS 40 STATION SAMPLE

			WHITE		MINORITY		
			Male	Female	Male	Female	Total Employees
ABC Owned Stations	1971	No.	291	2	23	0	316
		%	92.09	0.63	7.28	0.00	30.86
	1975	No.	337	12	54	7	410
		%	82.20	2.93	13.17	1.71	34.22
Percent Change			−10.74	+365.08	+80.91	+100.0	+10.89
CBS Owned Stations	1971	No.	374	1	32	0	407
		%	91.89	0.25	7.86	0.00	29.11
	1975	No.	331	4	46	1	382
		%	86.65	1.05	12.04	0.26	30.17
Percent Change			−5.70	+320.0	+53.18	+100.0	+3.64
NBC Owned Stations	1971	No.	310	7	51	1	369
		%	84.01	1.90	13.82	0.27	31.22
	1975	No.	423	33	99	10	565
		%	74.87	5.84	17.52	1.77	34.06
Percent Change			−10.88	+207.37	+26.77	+555.55	+9.10
Affiliated Stations	1971	No.	706	5	68	1	780
		%	90.51	0.64	8.72	0.13	33.36
	1975	No.	694	24	100	10	828
		%	83.82	2.90	12.08	1.21	33.59
Percent Change			−7.39	+353.12	+38.53	+830.77	+0.69
Public Stations	1971	No.	279	7	28	2	316
		%	88.29	2.22	8.86	0.63	30.01
	1975	No.	262	16	51	10	339
		%	77.29	4.72	15.04	2.95	21.35
Percent Change			−13.37	+112.61	+69.75	+368.25	−28.86
40 Stations	1971	No.	1960	22	202	4	2188
		%	89.58	1.01	9.23	0.18	31.28
	1975	No.	2047	89	350	38	2524
		%	81.10	3.53	13.87	1.50	30.87
Percent Change			−9.47	+249.50	+50.27	+733.33	−1.3

Table 6.8

TECHNICIANS JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY JOB FUNCTION, SEX, RACE AND ETHNICITY[1]

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
SUPERVISORY PERSONNEL										
Lighting Director	1									
Supervisor	10									
Assistant Supervisor	3									
Floor/Stage Manager	3									
	17	0	0	0	0	0	0	0	0	0
ENGINEERS/TECHNICIANS										
Engineer	186	12	23	4	3				4	
Technician	73	1	6	1					6	
Studio Engineer	26		4							
Studio Engineer-Technical Director	5									
Technical Director									2	
TV Transmitter Engineer	5									
Senior Technician	7									
Design Engineer	4									
Junior Design Engineer	1									
Project Engineer	1									
	308	13	33	5	3	0	0	0	12	0
FILM PERSONNEL										
Senior Film Editor/Film Lab Supervisor	3		1							
Film Editor	23	1	10	1						
News Film Editor	7		1							
Assistant Film Editor	4						1			
Standard Film Editor	1									
Film Editor-Film Librarian		1								
Film Assistant			1							
Film Craftsman			1							
Film Processor	2		2							
Assistant Film Distributor	2									
Film Expediter	1									
Film Librarian		1								
	43	3	16	1	0	0	1	0	0	0

1. The following abbreviations are used for race, ethnicity, and sex: WM, white males; WF, white females; BM, black males; BF, black females; AAM, Asian American males; NAF, Native American females; SOM, Spanish Origin males; SOF, Spanish Origin females.

Table 6.8 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
CAMERA/SOUND PERSONNEL										
Cameraman	21		3		1				1	
News Cameraman	4		1							
Process Cameraman									1	
Film Cameraman/Assistant Film Cameraman	1		2							
Soundman	14	1	7			1			1	
News Soundman	3		2						1	
News Photographer	6									
Photographer	1	1			1					
Film Technician	1									
	51	2	15	0	2	1	0	0	4	0
ARTISTS										
Staff Artist	1		1							
Graphic Artist	3									
Scenic Artist	1		1							
	5	0	2	0	0	0	0	0	0	0
CREW MEMBERS										
Stage Hands	12	1	3							
Crew	9									
Electricians	8									
Equipment Service	1									
	30	1	3	0	0	0	0	0	0	0
ANNOUNCERS/OPERATORS	2	1	1							
	2	1	1	0	0	0	0	0	0	0
COMPUTER OPERATORS										
Senior Data Processing Operator	1									
Computer Programmer/Operator	3									
Traffic Assistant-Computer Operator		2		1						
Accounting Clerk-Computer Operator		2								
Key Punch Operator				1						2
	4	4	0	2	0	0	0	0	0	2
TOTAL TECHNICIANS (587)	460	24	70	8	5	1	1	0	16	2
	78.4	4.1	12.0	1.4	0.9	0.2	0.2	—	2.7	0.3

Between 1971 and 1975 the actual number of positions in the sales category increased by 84, resulting in an increase of 17.3 percent in the proportion of sales workers at the 40 stations. This overall increase was accompanied by marked increases in white female and black female employment in the sales category. In 1971 there were no minority women classified under the sales category. By 1975, 8 black women had gained entry into sales worker positions at the 40 stations. The proportion of white women in sales increased from 3.5 percent to 27.7 percent, an increase of nearly 70 percent. The proportion of minority males in the sales category rose by 36.3 percent (from 10.2 percent to 13.9 percent).

Analyzing the data by station type, there is an unusually large increase in the number of sales positions among the affiliated stations. In 1971 there were 94 sales workers at these stations; in 1975, there were 151. The number of women increased from 4 to 61 (including two black women). The number of minority males increased from 4 to 19.

The lowest representation of minorities and women in the sales workforce was found among the NBC-owned stations. Five females were classified as sales workers in 1975 (four white females and one black female). The number of minority males decreased from five in 1971 to four in 1975 at the NBC-owned stations. (See table 6.9 for white and minority employees by sex, station type, and year for sales workers, 40-station sample.)

In 1975 the 8 stations classified 44 employees as sales workers of whom 68.2 percent were white males, 16.0 percent were white females, 9.1 percent were black males, and 6.8 percent were black females. Black males and females were the only minorities represented among sales employees.

The majority of sales employees at the eight stations (63.6 percent) were account executives, the majority of whom were white males. Of the 10 women employed in sales, 7 were white and 3 were black. Three white women and 2 black women were account executives, 2 white women were sales persons, 1 white woman was a national sales coordinator, and 1 white and 1 black woman were sales traffic coordinators. Of the 4 black men, 3 were account executives and 1 was a sales person. (See table 6.10 for a detailed list of sales job titles reported by the eight stations, by race, ethnicity, and sex.)

A review of all job titles associated with sales department employees revealed that many sales workers were classified in the official and manager category rather than in sales. A total of 27 sales employees were classified as officials and managers, charged with the responsibility of setting broad policies in their departments. Only 8 of these employees were department heads who were properly classified in the official and manager category. The remainder had job titles which more aptly describe sales workers in the broadcasting industry. For example, titles such as local sales manager, national sales manager, and sales traffic managers and supervisors were classified as officials and managers. Interestingly, five of the six traffic jobs classified as officials and managers were held by women. Misclassification of sales workers as officials and managers and the resultant misrepresentation of minorities and women is the FCC's failure to define these categories in terms which apply specifically to the broadcasting industry.

Office and Clerical

Office and clerical employees are defined as those who perform:

> . . .all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included.[37]

Examples of office and clerical workers are: bookkeepers, messengers, office machines operators, shipping clerks, typists and secretaries, and telephone operators.[38]

The 40 stations employed 1,438 office and clerical workers in 1975, accounting for 17.6 percent of their work force. White males constituted 10.1 percent of office and clerical employees, white females were 54.0 percent, minority males were 7.2 percent, and minority females were 28.7 percent.

Slightly less than half of all white women (46.9 percent) were classified as office and clerical workers in 1975. Nearly three-fifths (58.9 percent) of all minority women were office and clerical employees. Analyzing the data by race and ethnicity, the following proportions of minority females were office and clerical workers: black females, 56.6 percent; Asian American females, 60.7 percent;

[37] Ibid.

[38] Ibid.

Table 6.9

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE AND YEAR FOR SALES WORKERS 40 STATION SAMPLE

			WHITE		MINORITY		
			Male	Female	Male	Female	Total Employees
ABC Owned Stations	1971	No.	31	2	8	0	41
		%	75.61	4.88	19.51	0.00	4.00
	1975	No.	26	14	10	5	55
		%	47.27	25.45	18.18	9.09	4.59
Percent Change			–37.48	+421.52	–6.82	+100.0	+14.75
CBS Owned Stations	1971	No.	57	2	6	0	65
		%	87.69	3.08	9.23	0.00	4.65
	1975	No.	29	8	9	0	46
		%	63.04	17.39	19.57	0.00	3.63
Percent Change			–28.11	+464.61	+112.03	0.00	–21.94
NBC Owned Stations	1971	No.	21	0	5	0	26
		%	80.77	0.00	19.23	0.00	2.20
	1975	No.	20	4	4	1	29
		%	68.97	13.79	13.79	3.45	1.75
Percent Change			–14.61	+100.0	–28.29	+100.0	–20.45
Affiliated Stations	1971	No.	86	4	4	0	94
		%	91.49	4.26	4.26	0.00	4.02
	1975	No.	71	59	19	2	151
		%	47.02	39.07	12.58	1.32	6.13
Percent Change			–48.61	+817.14	+195.30	+100.0	+52.49
Public Stations	1971	No.	—	—	—	—	—
		%	—	—	—	—	—
	1975	No.	27	1	1	0	29
		%	93.10	3.45	3.45	0.00	1.83
40 Stations	1971	No.	195	8	23	0	226
		%	86.28	3.54	10.18	0.00	3.23
	1975	No.	173	86	43	8	310
		%	55.81	27.74	13.87	2.58	3.79
Percent Change			–35.32	+683.62	+36.25	+100.0	+17.34

Table 6.10

SALES JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY TITLE, RACE, SEX AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
Account Executive	20	3	3	2						
Sales Person	5	1	1							
TV Sales Person	5	1								
National Sales Coordinator		1								
Sales Traffic Assistant		1		1						
TOTAL SALES (44)	30	7	4	3	0	0	0	0	0	0
	68.2	16.0	9.1	6.8	—	—	—	—	—	—

Native American females, 77.8 percent; and females of Spanish origin, 67.7 percent.

Overall, there was a slight decrease in the number of positions classified as office and clerical between 1971 and 1975. This decrease was accompanied by decreases in the proportions of white males and females in the clerical work force and increases in the proportions of minority males and females. (See table 6.11 for white and minority employees by sex, station type, and year for office and clerical workers, 40-station sample, and table 6.12 for the concentration of employees by race, ethnicity, and sex, station type, and year in office and clerical positions, 40-station sample.)

One of the explanations advanced for the increase in the proportion of upper level positions and the concomitant increase in the proportion of minorities and women classified in those positions is that minorities and women in office and clerical jobs have been misclassified in the upper four job categories. Office and clerical job titles were examined to establish the extent to which they appeared to be comparable to job titles classified under the top four categories.

Similarities did indeed occur. For example, titles such as sales traffic manager, supervisor of sales traffic, traffic manager, operations manager, log coordinator, traffic coordinator, PBX operator, and switchboard supervisor were classified by some stations as officials and managers and by others as office and clerical workers. In each of seven instances in which a job title was listed as official and manager rather than office and clerical, the person filling that job was a minority and/or a woman.

The same pattern was found when professional and office and clerical job titles were compared. For example, titles such as traffic assistant, sales traffic assistant, traffic clerk, assistant assignment editor, coordinator of operations and programming, operations coordinator, program assistant, production coordinator, production assistant, mailroom supervisor, and advertising representative were classified by some stations as professionals and by others as office and clerical workers. In 15 out of 18 instances in which a title was listed as professional rather than office and clerical, the "professional" employee was a minority and/or a woman. (See table 6.13 for a detailed list of office and clerical job titles reported by the eight stations, organized by job function, race, ethnicity, and sex.)

The foregoing discussion of the office and clerical job title data lends further support to the allegation that the true status of minorities and women in the television industry is being misrepresented. Women and minorities, who in fact are employed in subsidiary managerial and clerical positions, are being misclassified as officials, managers, and professionals. Furthermore, the majority of female employees continues to be found in clerical positions.

The Lower Four Job Categories

The four remaining job categories—craftsmen, operatives, laborers, and service workers—constituted 8.0 percent of all employees at the 40 stations in 1975. Of the 652 employees in these job categories, 70.6 percent were white males, 6.4 percent were white females, 20.7 percent were minority males, and 2.3 percent were minority females.

Proportionately more minority males were concentrated in the lower four categories than any other group, 14.3 percent, as compared with 9.4 percent of

Table 6.11

WHITE AND MINORITY EMPLOYEES BY SEX, STATION TYPE AND YEAR FOR OFFICE AND CLERICAL WORKERS 40 STATION SAMPLE

			WHITE		MINORITY		
			Male	Female	Male	Female	Total Employees
ABC	1971	No.	23	111	12	39	185
Owned		%	12.43	60.00	6.48	21.08	18.07
Stations	1975	No.	16	81	9	58	164
		%	9.76	49.39	5.49	35.37	13.69
Percent Change			-21.48	-17.68	-15.28	+67.95	-24.24
CBS	1971	No.	49	170	21	43	283
Owned		%	17.31	60.07	8.82	15.19	20.24
Stations	1975	No.	29	123	23	63	238
		%	12.18	51.68	9.66	26.47	18.80
Percent Change			-29.64	-13.97	+9.52	+74.26	-7.11
NBC	1971	No.	41	158	16	60	275
Owned		%	14.91	57.45	5.82	21.82	23.27
Stations	1975	No.	37	150	27	111	325
		%	11.38	46.15	8.31	34.15	19.59
Percent Change			-23.68	-19.67	+42.78	+56.51	-15.81
	1971	No.	41	341	18	47	447
Affiliated		%	9.17	76.29	4.03	10.51	19.12
Stations	1975	No.	22	225	17	82	346
		%	6.36	65.03	4.91	23.70	14.04
Percent Change			-30.64	-14.76	+21.84	+125.50	-26.57
	1971	No.	31	180	12	30	253
Public		%	12.25	71.15	4.74	11.86	24.03
Stations	1975	No.	41	198	28	98	365
		%	11.23	54.25	7.67	26.85	22.98
Percent Change			-8.33	-23.75	+61.81	+126.39	-4.37
	1971	No.	185	960	79	219	1443
40		%	12.82	66.53	5.47	15.18	20.63
Stations	1975	No.	145	777	104	412	1438
		%	10.08	54.03	7.23	28.65	17.59
Percent Change			-21.37	-18.79	+32.18	+88.74	-14.74

Table 6.12

CONCENTRATION OF EMPLOYEES BY RACE, ETHNICITY AND SEX IN OFFICE AND CLERICAL POSITIONS BY STATION TYPE AND YEAR

			WHITE		BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		
			Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Total
ABC	1971	No.	23	111	10	24	0	6	0	1	2	8	185
		%	3.15	73.03	16.95	75.00	0.0	85.71	0.0	100.0	8.33	66.67	18.07
	1975	No.	16	81	7	30	2	14	0	1	0	13	164
		%	2.13	40.10	8.64	43.48	12.50	73.68	0.0	100.0	0.0	56.52	13.69
CBS	1971	No.	49	170	18	37	0	3	0	0	3	3	283
		%	5.26	59.23	19.35	72.55	0.0	100.0	0.0	0.0	15.0	42.86	20.24
	1975	No.	29	123	14	45	1	8	1	1	7	9	238
		%	3.76	47.13	14.74	67.16	14.29	80.0	100.0	50.0	17.07	81.82	18.80
NBC	1971	No.	41	158	16	44	0	3	0	1	0	12	275
		%	5.36	77.07	14.41	78.57	0.0	75.0	0.0	100.0	0.0	85.71	23.27
	1975	No.	37	150	21	85	1	6	0	1	5	19	325
		%	3.77	51.19	13.21	65.89	8.33	37.50	0.0	100.0	11.36	95.0	19.59
Aff	1971	No.	41	341	16	41	1	1	0	0	1	5	447
		%	2.52	81.38	11.94	35.96	9.09	50.0	0.0	0.0	4.55	100.0	19.12
	1975	No.	22	225	13	67	2	10	0	0	2	5	346
		%	1.42	48.91	5.60	45.27	11.11	52.63	0.0	0.0	10.53	41.67	14.04
Public	1971	No.	31	180	9	24	1	4	0	1	2	1	253
		%	4.78	63.60	15.25	64.86	25.0	80.0	0.0	100.0	16.67	100.0	24.03
	1975	No.	41	198	20	64	1	13	0	4	7	17	365
		%	5.01	44.80	16.67	63.37	9.09	65.00	0.0	80.0	16.67	62.96	22.98
40 Stations	1971	No.	185	960	69	170	2	17	0	3	8	29	1443
		%	3.93	71.32	15.13	58.62	6.25	80.95	0.0	100.0	8.16	74.36	20.63
	1975	No.	145	777	75	291	7	51	1	7	21	63	1438
		%	2.97	46.86	10.92	56.61	10.94	60.71	7.69	77.78	11.67	67.74	17.59

Table 6.13

OFFICE AND CLERICAL JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY JOB FUNCTION, SEX, RACE AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
SECRETARY										
Executive Secretary		5		3		1				
Secretary-Administrative Assistant		2								
Secretary	5	81		21		2	1			8
Stenographer		2		3						
Clerk/Clerk-Typist	5	11	6	9				1	6	4
Receptionist	1	8	2	5						1
	11	109	8	41	0	3	1	1	6	13
PROGRAMMING ASSISTANTS										
Production Assistant	6	5	6	4		1			2	
Program Assistant/Researcher/ Editorial Assistant, etc.	4	9	7	6		2				
	10	14	13	10	0	3	0	0	2	0
CLERICAL ASSISTANTS										
Administrative Assistant	3	20		3		1			2	
Membership/Auction Assistant	1	3		2		2				
Traffic clerk/Scheduler, Operations Assistant, etc.	7	24	2	8		1				3
Personnel Assistant						1				
Miscellaneous Assistant	2	6	2	1						1
	13	53	4	14	0	5	0	0	2	4
MACHINE OPERATORS										
Switchboard Supervisor		1								
PBX Operator	1	6		5						1
TWX Operator	1									
Supervisor, Processing	1									
Data Processing Operator		1								
Offset Operator/Multilith Operator					1				1	
Senior Tape Typewriter Operator		1								
	3	9	0	5	1	0	0	0	1	1
MAIL PROCESSING										
Miscellaneous mailroom assistant, clerk, etc.	5	1	4		1				1	
	5	1	4	0	1	0	0	0	1	0

Table 6.13 Continued

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
ACCOUNTING PERSONNEL										
Budget Supervisor	1									
Cashier/Revenue Coordinator			1					1		
Assistant Payroll Supervisor/ Payroll Accountant Administrator	2	3								
Staff Accountant	1									
Accounting clerk		8	1	2						1
	4	11	2	2	0	0	0	1	0	1
TOTAL OFFICE AND CLERICAL (393)	46	197	31	72	2	11	1	2	12	19
	11.7	50.1	7.9	18.3	0.5	2.8	0.3	0.5	3.1	4.8

the white males, 2.5 percent of the white females, and 2.1 percent of the minority females.

In 1975 the majority of white males (75.4 percent) and white females (66.7 percent) classified in the lower four categories were craftsmen, which the FCC considers a "higher pay" job category. In contrast, the largest proportion of minority males (38.5 percent) and minority females (75.0 percent) were service workers. (See table 6.14 for white and minority employees by sex and year in each of the lower four categories, 40-station sample.)

The 8 stations reported a total of 72 employees in the lower four categories in 1975. White males constituted 65.3 percent of these employees, white females constituted 2.8 percent, and minority males constituted 31.9 percent. There were no minority women classified in the lower four categories by the eight stations.

Over three-fifths of the employees (45) in the lower four categories were craftsmen. Of these, white males constituted 77.8 percent, black males and males of Spanish origin each constituted 8.9 percent, and white females were 4.4 percent. Of the 27 employees classified as operatives, laborers, and service workers, 15 were black males and 12 were white males. Thus, while the majority of the craftsmen were white males and the majority of the white males were craftsmen, the majority of the operatives, laborers, and service workers were black males, and the majority of black males were found in these three job categories. (See tables 6.15–6.18 for a detailed list of job titles reported by the eight stations for craftsmen, operatives, laborers, and service workers by race, ethnicity, and sex.)

Analysis of the job titles listed under the lower four job categories indicates that there was little consistency in the limited use to which the categories were put. Cross-classification of job titles occurred in two ways. First, similar or comparable job titles were cross-classified within the lower four categories. For example, stage hands were considered craftsmen by some stations and operatives by others. Secondly, similar or comparable job titles were cross-classified between the lower four and upper four job categories. For example, graphic artist, makeup artist, and artist were classified as professionals by some stations and as craftsmen by others.

The FCC, in its Form 395 instructions, suggests that distinctions are to be made between craftsmen who are skilled workers, operatives who are semi-skilled workers, and laborers who are unskilled workers. The criteria which the FCC suggests for distinguishing among employees in each of these categories is confusing and cross-classification is an inevitable result.

CONCLUSION

Overall, minority and female employment at the 40 television stations selected for this study increased between 1971 and 1975. Furthermore, their numbers rose in each of the upper four job categories—officials and managers, professionals, technicians, and sales. Contrary to the impression one may form from these data, however, minorities and women

Table 6.14

WHITE AND MINORITY EMPLOYEES BY SEX AND YEAR IN THE LOWER FOUR CATEGORIES 40 STATION SAMPLE

CONCENTRATION OF WHITE AND MINORITY EMPLOYEES IN THE LOWER FOUR CATEGORIES

			WHITE		MINORITY		
			Male	Female	Male	Female	Total
	1971	No.	392	20	104	9	525
		%	74.67	3.81	19.81	1.71	7.50
	1975	No.	460	42	135	15	652
		%	70.55	6.44	20.70	2.30	7.97
Percent Change			–5.52	+69.03	+4.49	+34.50	+6.27

CONCENTRATION OF WHITE AND MINORITY EMPLOYEES IN EACH OF THE LOWER FOUR CATEGORIES

			WHITE		MINORITY		
			Male	Female	Male	Female	Total
Craftsmen	1971	No.	163	1	22	1	187
		%	3.46	0.07	3.72	0.28	2.67
	1975	No.	347	28	39	1	415
		%	7.12	1.69	4.13	0.14	5.08
Operatives	1971	No.	157	11	21	1	190
		%	3.34	0.82	3.55	0.28	2.72
	1975	No.	57	6	32	4	99
		%	1.17	0.36	3.39	0.57	1.21
Laborers	1971	No.	24	0	11	0	35
		%	0.51	0.00	1.86	0.00	0.50
	1975	No.	13	0	12	0	25
		%	0.27	0.00	1.27	0.00	0.31
Service Workers	1971	No.	48	8	50	7	113
		%	1.02	0.59	8.46	1.98	1.62
	1975	No.	43	8	52	10	113
		%	0.88	0.48	5.51	1.43	1.38
Total	1971	No.	392	20	104	9	525
		%	8.33	1.48	17.60	2.55	7.50
	1975	No.	460	42	135	15	652
		%	9.44	2.53	14.30	2.14	7.97

have not necessarily made significant employment gains at these stations.[99]

[99] In its *Comments* on the draft report the FCC states:

> Chapter VI of the draft report concludes that minority and female employment gains "have not necessarily" been significant. Based upon the job titles provided by eight of the stations analyzed in Chapter V, the report attempts to demonstrate that women and minority employees are improperly classified in the FCC Form 395 job categories, which CCR believes are irrelevant to broadcasting. While we have previously addressed ourselves to the increasing role which minorities and women are playing in the broadcast industry, we wish to emphasize that we, also, are concerned with the

Table 6.15

CRAFTSMAN JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY TITLE, SEX, RACE AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
Artist	2									
Graphic Artist	2								1	
Apprentice Graphic Artist	1									
Head Stage Technician	6								1	
Staff Regular Projectionist	9		2						1	
Stage Hand	7		1							
Film Assistant		1								
Staff Announcer	2	1							1	
Carpenter-Electrician	2									
Building Chief Engineer/ Building Engineer	4									
Maintenance Supervisor			1							
TOTAL CRAFTSMEN (45)	35	2	4	0	0	0	0	0	4	0
	77.8	4.4	8.9	—	—	—	—	—	8.9	—

Table 6.16

OPERATIVE JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY TITLE, SEX, RACE AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
Stage Technician	2		1							
Special Services Assistant/ Assistant Leadman			3							
Driver Messenger/Parking Lot Attendant			2							
	2	0	6	0	0	0	0	0	0	0
TOTAL OPERATIVES (8)	25.0	—	75.0	—	—	—	—	—	—	—

Table 6.17

LABORER JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY TITLE, SEX, RACE AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
Stagehand/Staging Assistant	9		4							
	9	0	4	0	0	0	0	0	0	0
TOTAL LABORERS (13)	69.2	—	30.8	—	—	—	—	—	—	—

Table 6.18

SERVICE WORKER JOB TITLES REPORTED BY EIGHT TELEVISION STATIONS ORGANIZED BY TITLE, SEX, RACE AND ETHNICITY

	WM	WF	BM	BF	AAM	AAF	NAM	NAF	SOM	SOF
Building Maintenance/Maintenance Assistant/Janitor			4							
Serviceman	1									
Chief Security Officer			1							
TOTAL SERVICE WORKERS (6)	1	0	5	0	0	0	0	0	0	0
	16.7	—	83.3	—	—	—	—	—	—	—

Detailed analyses of the job titles which were classified under each of the job categories revealed that women and minorities are not being fully utilized at all levels of station management nor in all levels of the stations' operations. White males hold the vast majority of the crucial decisionmaking positions within each job category and within each department of the stations' organization. This finding is particularly important with regard to programming because of the potential impact of television programs on American society. Moreover, in order for licensees to meet their obligation to provide a program service which reflects the diverse interests

misclassification of employees on our annual employment reports, FCC Form 395. In this regard, the Commission in its *Report and Order*, in Docket 20550 warned against such practice and stated that a classification which had no basis in reason or in fact could amount to bad faith and border on a misrepresentation. In several contested renewal cases, we have strongly admonished licensees for misclassifying employes on the Form 395. . . .The newly adopted 10-point model EEO program requires stations with 50 or more full-time employees to submit a list of job titles within each Form 395 job category indicating the race or national origin and sex of the incumbents. This information will be similar to that received from the eight stations examined in the report, and we believe it will provide us with another means to determine those employees which may be misclassified. . . .

This Commission is pleased to share the FCC's concern about misclassification of employees and commends the FCC for its warning and admonishments. However, the Commission on Civil Rights does not believe that these efforts are sufficient to deal with the problem. Although the FCC's new requirement that stations with 50 or more employees submit a list of job titles may help, it should be noted, as reported in chapter 7, that only 41 percent of the television stations employ more than 50 people and that only 12 percent of all noncommercial stations have more than 50 employees.

of their service area, they must employ a fully integrated work force.

The FCC's current Form 395 annual employment reports, in and of themselves, cannot uncover deficiencies in station work force profiles or point out the extent of minority and female underutilization. Furthermore, because the job categories are so broadly defined and are, in large part, irrelevant to the broadcasting industry, the employment status of women and minorities can easily be misrepresented. This misrepresentation is another manifestation of the lack of genuine commitment to equal employment opportunity described in the previous chapter.

The first time the FCC proposed to require annual employment reports, it was warned that the job categories were irrelevant to broadcasting and, therefore, should be changed. The FCC virtually ignored these suggestions, primarily because it did not want to place any additional burdens on the licensees. In its most recent rulemaking proceeding on equal employment opportunity, the FCC could have revised its 395 reporting form.[30] However, it concluded that no changes on the reporting form were necessary.[31]

The FCC's requirements in the area of equal employment opportunity are designed to elicit from broadcast licensees written commitments to equal employment opportunity rather than actions which would correct discriminatory practices. The extent to which licensees go beyond their paper commitments to the principle of nondiscrimination is limited, as are the results they have achieved insofar as their utilization of minorities and women. Their promises are rarely translated into performance.

[30] Notice of Inquiry and Notice of Proposed Rulemaking in the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, 54 FCC 2d 364 (1975).

[31] Report and Order in the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, Docket No. 20550, July 26, 1976, §55.

CHAPTER 7

Regulation of Employment In the Public Interest

When the FCC proposed its equal employment opportunity rule in 1968 it argued that it would be derelict in its responsibility "to promote the larger and more effective use of radio [and television]"[1] were it to stop short of requiring licensees to take affirmative steps in recruiting minority employees. In effect, the FCC called upon broadcasters to join in a nationwide effort not only to provide equal employment opportunity as a part of "the national policy against discrimination,"[2] but also to secure the public interest by helping to relieve racial tensions and to promote understanding through their broadcasting facilities.

Appealing to the "conscience" of the licensees, the FCC reminded them that a "racial crisis" existed and that the Nation's broadcasters had a role to play in helping to address that crisis:

> The nation is confronted with a serious racial crisis. It is acknowledged that the media cannot solve the crisis, but on all sides it has been emphasized that the media can contribute greatly in many significant respects, particularly to understanding by white and black of the nature of the crisis and the possible remedial actions, and that such understanding is a vital first and continuing step.[3]

The FCC set before its regulatees a bold challenge:

> . . .[to commit themselves to go] beyond the letter of the policy [of nondiscrimination] and [to attune themselves] to its spirit and the demands of the times. That we believe is the most important and urgent message of this document.[4]

The FCC had urged broadcasters to commit themselves to a policy and practice of equal employment opportunity and nondiscrimination. However, the FCC's development and implementation of an enforcement policy has been overly cautious. As was outlined in chapter 5, the FCC had displayed a great deal of reluctance to implement fully an EEO rule. Initially, it only intended to process discrimination complaints; then, it only intended to apply its rule to minorities; later, it agreed to apply it to women but only in terms of employment reports. Each hesitant step appeared to come only as a result of pressure from such citizens' groups as the United Church of Christ and the National Organization for Women, buttressed by the comments of Federal agencies such as this Commission and the Department of Justice. The latter strongly urged the FCC to move forward in the adoption and implementation of an EEO rule, in large part because of the public interest contribution such a policy would constitute in terms of the portrayal of minorities on television:

> Because of the enormous impact which television and radio have upon American life, the employment practices of the broadcasting industry have an importance greater than that suggested by the number of its employees. The provision of equal opportunity in employment in that industry could therefore contribute significantly toward reducing and ending discrimination in other industries.[5]

Each reluctant step was opposed by the industry. In 1967 the National Association of Broadcasters (NAB) raised the only objection to the FCC propos-

[1] 47 C.F.R. 303(g).
[2] Memorandum Opinion and Order and Notice of Proposed Rulemaking to Require Broadcast Licensees to Show Nondiscrimination in their Employment Practices, 13 FCC 2d 769 (1968).
[3] *Id.*, at 774.
[4] *Id.*, at 775.
[5] Stephen J. Pollak, Assistant Attorney General, Civil Rights Division, Department of Justice, letter to Rosel H. Hyde, Chairman, FCC, May 21, 1968, *id.*, at 777.

al, arguing that the FCC had no regulatory power over civil rights.[6] Later, in 1970, the NAB objected to the FCC's proposed requirement that licensees develop an EEO program which encompassed discrimination on the basis of sex.[7]

The guidelines which the FCC adopted in 1971 received a great deal of criticism. As noted in chapter 5, this Commission has found the guidelines nothing more than "a paper commitment to equal employment opportunity. . . ."[8] The FCC has been revising its guidelines during the past few years and in July 1975 issued a proposed revision.[9] That proposal and its subsequent adoption in July 1976 reflect the FCC's lack of real commitment to nondiscrimination and equal employment opportunity. In contrast to the noble efforts it had urged upon its licensees in 1968, the FCC in 1976 appeared to be publicly retracting its own commitment: "We do not contend that this agency has a sweeping mandate to further the national policy against discrimination."[10]

In the same document the FCC also assured broadcasters that it did not intend to penalize those whose work forces indicated underrepresentation of minorities and women:

> [W]e did not intend to intimidate licensees into thinking that any disparity between minority and female employees and their respective representation in the licensee's community of license would automatically trigger a Commission EEO inquiry or otherwise jeopardize a licensee's license renewal.[11]

Instead of ensuring that broadcasters employ substantially similar proportions of women and minorities as are employed generally, the FCC, in effect, assured them that they could avoid penalty by explaining away such disparities and by promising to do better next time:

> . . .[W]e expect that each licensee's self evaluation and explanation for any deficiencies will play a significant part in our future evaluation of EEO performance. Therefore a licensee may explain. . .any disparity in its employment profile and the presence of minorities and women in the local labor force which, in its view, warrants further explanation, as well as any steps it intends to take to bring about improvement. We anticipate that licensees will take full advantage of this initial opportunity to present information on corrective measures. . . .[12]

The history of FCC development and enforcement of its EEO rule and the format of its new guidelines reflect a lack of that same commitment which the FCC had originally challenged its licensees to demonstrate. The FCC is far more concerned with the *appearance* of equal employment opportunity as shown by its willingness to accept promises of good faith efforts than it is in the *realization* of equal employment opportunity and nondiscriminaton.

FCC ENFORCEMENT OF ITS EEO RULE

As described in chapters 5 and 6, the FCC enforces its EEO rule by requiring broadcast licensees with five or more full-time employees to develop and submit, at license renewal time, equal employment opportunity programs that describe the affirmative steps undertaken by licensees to recruit, hire, and promote minorities and women. In addition, it requires broadcast licensees to submit annual employment reports (FCC Form 395) indicating the composition of their work forces.

The EEO unit of the Renewal Branch of the Renewal and Transfer Division of the FCC Broadcast Bureau reviews these documents. If a licensee's EEO plan is incomplete or if its Form 395 report shows that a licensee does not employ women or minorities (in areas with a minority population of at least 5 percent), or if there has been a decline in their employment, a letter of inquiry requesting additional employment data is sent to the licensee. License renewal applications of those licensees who receive letters of inquiry are deferred. If the response to the letter of inquiry is judged satisfactory, then the license is renewed. If the response is considered

[6] *Id.*, at 766.

[7] Report and Order in the Matter of Part VI of FCC Forms 301, 303, 309, 311, 314, 315, 340 and 342, and Adding the Equal Employment Program Filing Requirement to Commission Rules 73.125, 73.301, 73.599, 73.680, and 73.793, 32 FCC 2d 708 (1971).

[8] U.S., Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974*, vol. 1, *To Regulate in the Public Interest*, (1974), p. 15 (hereafter cited as *To Regulate In the Public Interest*.

[9] Notice of Inquiry and Notice of Proposed Rulemaking in the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees, 54 FCC 2d 354 (1975), (hereafter cited as 54 FCC 2d 354 (1975)).

[10] Report and Order in the Matter of Nondiscrimination in the Employment Polices and Practices of Broadcast Licensees, Docket No. 20550, (July 26, 1976), §9 (hereafter cited as Nondiscrimination of Broadcast Licensees, 1976).

[11] *Id.*, at §30.

[12] *Id.*

unsatisfactory, the Renewal Branch recommends that the license be renewed on a conditional basis.[13]

One of the continuing concerns of minorities and women has been their underrepresentation on the work forces of many television stations, as documented by the Form 395 reports. The first citizen effort to encourage the FCC to investigate such underrepresentation came from the United Church of Christ. On May 24, 1972, Dr. Everett Parker, director of the Office of Communication of the United Church of Christ, wrote to Dean Burch, the Chairman of the FCC at that time, requesting deferral of license renewal of television stations in Massachusetts, pending the results of an inquiry into the underrepresentation of minorities and women on the work forces of the television stations of that State.

Apparently the FCC concluded that such an investigation would constitute punishment, for it determined that an investigation could not be justified based on Form 395 statistical data for only 1 year.[14] However, it did conduct such an investigation for the Pennsylvania and Delaware stations in the following year. Instead of investigating all stations in these two States, the FCC only investigated the practices of stations with 10 or more employees that employed no women or showed a decline in the number of female employees, or, stations in areas with a minority population of 5 percent or more that employed no minorities or showed a decline in their employment. Thirty stations received letters of inquiry requiring additional information.[15]

This procedure ignored the general problem of underrepresentation. Stations that employed very few minorities and women but maintained those few from the previous year were not investigated. This procedure also failed to provide the licensees with clear-cut and reasonable goals for the employment of women and minorities. Licensees with poor records were expected to promise to do better in the future but were given no standards to meet.

The FCC has failed to set standards for the fair representation of minorities and women on a station's work force and has consistently refused to acknowledge alleged underrepresentation of minorities and women as evidence of discrimination. Many citizens' groups have petitioned against license renewals alleging employment discrimination based in part on the underrepresentation of women or minorities on the licensee's staff. The FCC has responded that underrepresentation does not constitute a substantial and material question of fact and has refused to designate such challenges for hearing. In the first such license challenge which was adjudicated, *Chuck Stone* v. *FCC,* the petitioners alleged that WMAL-TV in Washington, D.C., discriminated against blacks in that only 7 percent of the station's work force was black. In contrast, blacks constituted 70 percent of the population in the city of Washington.[16] The court determined that underrepresentation should be based on comparisons of the station's work force with that of the population in the station's service area. Blacks constituted 24 percent of the population in WMAL's service area, but, nevertheless, the court determined that 7 percent black employment at the station was "within a zone of reasonableness."[17]

The FCC soon adopted the zone of reasonableness concept, but it did not define it in quantitative terms. The zone remained extremely broad. In a subsequent case which also reached the court, *Bilingual Bicultural Coalition* v. *FCC,* Mexican Americans constituted 12 percent of the work force at station WOAI-TV, San Antonio, Texas. The local Mexican American population was 48 percent. The 12 percent figure was also considered to be within the zone of reasonableness.[18]

In each of these cases the court sided with the FCC, determining that underrepresentation did not in itself constitute a *prima facie* showing of discrimination. However, in *Chuck Stone* the court held out the possibility that the use of such statistics might be considered as evidence at some future point:

> [O]ur opinion does not hold that statistical evidence of an extremely low rate of minority employment will *never* constitute a prima facie showing of discrimination, or "pattern of substantial failure to accord equal employment opportunities."[19]

Under current FCC procedures, challenging groups do not have access to any employment data

[13] Glenn Wolfe and Linda Nagy, EEO, Renewal Branch, Renewal and Transfer Division, Broadcast Bureau, interview in Washington, D.C., June 10, 1976. For a detailed discussion of the FCC's enforcement procedures see *To Regulate in the Public Interest,* pp. 6–48.

[14] Ibid., pp. 17–18.

[15] Pennsylvania and Delaware Renewals, 36 FCC 2d 515 (1972).

[16] Stone v. F.C.C., 466 F. 2d 316, 332 (D.C. Cir. 1972).

[17] *Id.*

[18] Bilingual Bicultural Coalition of Mass Media, Inc. v. F.C.C., 492 F. 2d 656, 657 (D.C. Cir. 1974).

[19] Stone, v. F.C.C. (emphasis added).

other than that reported by a station on Form 395. It is only when the FCC designates a petition for hearing that there is a mechanism—"discovery"—for the collection of additional data which might constitute evidence of employment discrimination. If the FCC refuses to set a petition for hearing, this avenue is blocked. In the *Bilingual-Bicultural Coalition* case, the court recognized the difficulty challenging groups have in proving employment discrimination:

> [S]tatistics alone do not provide ideal evidence of discrimination. . .[however] challenging groups have limited resources and no procedural tools, since discovery is allowed only when a Petition to Deny is set for hearing.[20]

The court went on to urge the FCC to develop a mechanism whereby challenging groups could gain access to more detailed employment data. Moreover, the court warned the FCC that were it to fail to develop prehearing discovery procedures, hearings might be required based solely on underrepresentation:

> The Commission must consider how best to provide a fair and reasonable opportunity for those challenging license renewals to seek explanations for the underemployment of minority groups. . . .If minorities are not given *some* means for developing the reasons for statistical disparities, hearings may have to be required based on such disparities alone, in order to provide the tools of discovery.[21]

Despite this ruling, the FCC has continued to deny hearings based on underrepresentation alone, without providing citizens' groups with discovery procedures. It has even denied a hearing for a license challenge based in part on an EEOC finding of discrimination at a station. In its petition to deny the license of WRC-TV, the National Organization for Women (NOW) alleged employment discrimination based in part on underrepresentation of women on the station's work force. In 1972 female employees constituted 22.5 percent of WRC's work force, compared with a metropolitan area female work force of 48 percent. The FCC concluded that this disparity ". . .is within a current zone of reasonableness,. . ."[22]

NOW's petition to deny the license of WRC-TV had also documented specific instances of employment discrimination[23] and was buttressed by a determination by the Equal Employment Opportunity Commission (EEOC).[24] EEOC, responding to charges of employment discrimination at WRC-TV, conducted an investigation and issued a finding stating that there was reasonable cause to believe that WRC-TV had indeed discriminated against women. It determined that WRC-TV had failed to recruit, hire, or promote women into certain positions, thereby denying them equal employment opporunity.[25] The FCC declined to hold a hearing regarding NOW's allegations, citing as its reason a desire to avoid duplicating EEOC's efforts.[26] Instead, the FCC stated its willingness to consider such charges should normal EEOC procedures reach an impasse:

> Where. . .negotiated conciliation fails,. . .and neither the EEOC nor the complaining party has instituted judicial proceedings to secure compliance with Title VII, we will consider the matter to determine compliance with our own requirements regarding equal employment opportunity.[27]

NOW filed suit against the FCC, charging in part that the EEOC finding established a *prima facie* case of discrimination sufficient to warrant a hearing.[28] Furthermore, the EEOC filed an *amicus curiae* brief in which it argued that NOW's factual allegations of employment discrimination presented a *prima facie* case of employment discrimination in violation of Title VII, thus raising a substantial and material question of fact. The FCC, it argued, should have heard NOW's charges without awaiting the outcome of Title VII procedures.[29]

Subsequently, the FCC reconsidered the case and again concluded that a hearing was not warranted. It concluded first that EEOC's finding did not raise a substantial and material question of fact: ". . .[A]n

[20] Bilingual-Bicultural Coalition of Mass Media Inc. v. F.C.C., at 659.
[21] *Id.*
[22] Memorandum Opinion and Order in Re Application of National Broadcasting Co., Inc. For Renewal of License of Station WRC-TV, Washington, D.C., 52 FCC 2d 273, 294 (1975), (hereafter cited as Application of National Broadcasting Co.)
[23] NOW, Nat. Cap. Area Chapt., Petition to Deny the Renewal of License of National Broadcasting Co., Inc., License of WRC-TV, Washington, D.C., (Aug. 31, 1972), pp. 31-56.
[24] Ibid., pp. at 19-30.
[25] Ibid.
[26] Application of National Broadcasting Co., at 293.
[27] *Id.*, at 292.
[28] Brief for Petitioners, N.O.W., v. F.C.C., cite unavailable (D.C. Cir., 1975) at 11-12.
[29] Brief for EEOC as amicus curiae, cite unavailable (D.C. Cir. 1975) at 22-23.

EEOC determination of reasonable cause does not, itself, constitute a *prima facie* case before a federal court. . . ."[30]

Moreover, the FCC declared that the EEOC findings were essentially irrelevant to its own determinations regarding the public interest. In making this declaration, the FCC distinguished between the public interest as a whole versus individual members of the public. The FCC had previously rejected petitions to deny that were supported by statistics alone.[31] However, in this case where statistics were buttressed by specific cases that EEOC had investigated and determined to be probable cases of discrimination, the FCC stated that it need not consider such cases:

> Our responsibility, therefore, is not the regulation of employment discrimination *per se*. When presented with complaints such as petitioners present here, we need not make a finding that instances of discrimination in violation of Title VII have or have not occurred. Even assuming the occurrence of these past violations, *our task is to assess their significance in light of the applicant's subsequent performance and present compliance with our EEO rules.* [32]

Thus, it appears that the FCC is not interested in eliminating discrimination by its licensees. Instead, it is interested only in learning that licensees intend to make "good faith efforts" to provide equal employment opportunity.[33]

The Court of Appeals for the District of Columbia Circuit upheld the FCC's judgment that an EEOC probable cause finding of discrimination is not in itself an issue under the Communications Act. In other words, it is the mission of the FCC to determine its own standards of equal employment opportunity and to evaluate its licensees accordingly. The court found that the FCC had looked carefully at the employment policies and practices of WRC[34] and had determined that WRC's EEO plan had resulted in post-term improvements in the employment of women.[35]

Agreeing that WRC's employment statistics for the license renewal period in question (1969 to 1972) may have indicated discrimination against women, the court accepted WRC's statement that the same findings "could undoubtedly have been made with respect to the statistics at that time of virtually all stations and, indeed, could have been made with respect to almost any business, government agency, or institution then investigated."[36] The court refused to limit its focus to these employment statistics, approving the FCC's decision to look to the future and to determine the adequacy of WRC's EEO plan by examining its results.[37]

This ruling appears to excuse a broadcaster from past discriminatory practices if that licensee's present performance and EEO program are in compliance with its EEO rule. But compliance, as has previously been demonstrated, consists of paper commitments on the part of the licensee to equal employment opportunity. The WRC–TV case demonstrates the fact that the FCC fails to take an active role in enforcing its rule prohibiting discrimination and ultimately relies on the licensees' good faith efforts and on their own discretion to remedy discriminatory practices.

NONDISCRIMINATION IN EMPLOYMENT PRACTICES OF BROADCASTERS

On July 25, 1975, the FCC released a Notice of Inquiry and a Notice of Proposed Rulemaking concerning its equal employment opportunity poli-

[30] Memorandum Opinion and Order in Re Application of National Broadcasting Co., Inc. for Renewal of License of Station WRC–TV, Washington, D.C., (Feb. 18, 1976), §4.

[31] Stone v. F.C.C.; Bilingual Bicultural Coalition of Mass Media, Inc. v. F.C.C.

[32] Memorandum Opinion and Order in Re Application of WRC–TV.

[33] In its *Comments* in response to this conclusion, the FCC stated:

> The report's portrayal of the sequential developments in the case are reasonably accurate; however, it depicts the FCC as "not interested in the elimination of discrimination by its licensees," which is not the case. The quote used in support of this statement is but a portion of the Commission's statement with respect to how we view our EEO regulatory function from that of agencies specifically charged with enforcement responsibility. In order that the record is clear on this issue, we refer you to paragraphs 5–7 of the WRC *Report and Order*, 58 FCC 2d 419, 421, 422.

This Commission does not believe that the FCC statement on its mission with respect to employment discrimination was insufficiently quoted. However, to make the record clear, the remaining portion of the paragraph is as follows:

> Thus, the Commission's regulatory emphasis is to assure that the broad public interest is served, effectuated in part through reasonable compliance by all licensees with pervasive rules reflecting that interest. Its remedies are addressed to the whole public, not individual members of the public. Given these differences in evidentiary burdens, legislative intent and judicial construction, we conclude that the determination of the effect of an adverse EEOC finding of "reasonable cause to believe" upon the qualifications of a broadcast licensee rests ultimately with this Commission. Thus, we intend to exercise our delegated authority and render an independent determination of the effect of an adverse EEOC finding, consistent with our primary statutory obligations as set forth above.

[34] National Organization for Women, et al. v. F.C.C., Sl. Op. 74–1853, D.C. Cir. Apr. 11, 1977, at 33.

[35] *Id.*, at 33.

[36] *Id.* at 34.

[37] *Id.* at 35–37.

cies. The FCC stated that it had three purposes for such action:

> *First,* to give further assurance to broadcasters and the public that we regard equal employment opportunity as an important aspect of our regulatory function to see that broadcast stations operate in the public interest;
>
> *Second,* to propose changes in our rules and procedures which will make enforcement more effective without unnecessarily increasing the record keeping and reporting burdens on licensees; and
>
> *Third,* to clarify our policy that equal employment programs must be active and affirmative, not merely passive or nondiscriminatory.[38]

In clarifying its policy, the FCC emphasized that its EEO rule prohibited discrimination and required licensees to take specific affirmative steps to assure that minorities and women are afforded equal employment opportunity. The FCC then went on to reinterpret its EEO rule for the broadcasters and to outline proposed changes in its guidelines for the development of an EEO program. The FCC indicated that licensees would be considered in compliance with its EEO rule if their programs contained those elements which the FCC had prescribed.

In addition to revising the EEO guidelines, the FCC proposed that only licensees with 10 or more (or perhaps 15) employees be required to file an EEO program.[39] The FCC invited comments on these proposals as well as on the current annual employment report (FCC Form 395). The FCC failed to define, in quantitative terms (or to solicit definitions for), the zone of reasonableness, leaving the licensees once again without a clear and straightforward standard to meet insofar as the employment of minorities and women is concerned.

In 1976 the FCC issued a report and order adopting its new EEO guidelines.[40] As noted in chapter 5, an inherent flaw in the FCC's previous guidelines was their failure to help licensees develop an EEO program to uncover causes of underrepresentation of minorities and women and to develop mechanisms to eliminate those causes. Instead, the FCC suggested that licensees undertake a variety of affirmative efforts to recruit, hire, and promote women and minorities which may or may not have been related to the actual causes of their underrepresentation. As a result, some licensees in their EEO programs listed all efforts that the FCC model program suggested, whether or not they were effective or even in use. The licensees' programs showed their "compliance" and "good faith" but had relatively little to do with eliminating the discriminatory practices which had led to underutilization of women and minorities on the stations' work forces, particularly in decisionmaking positions.

The FCC's new guidelines will perpetuate this situation and in some ways make it even worse. Again, the guidelines fail to aid licensees in evaluating the causes of underrepresentation. The FCC continues to suggest that licensees undertake specific recruitment efforts which may or may not be related to previous policies and procedures that have operated to deny women and minorities equality of opportunity. In addition, the FCC has reduced the number of stations required to prepare and submit EEO programs by raising the ceiling from 5 to 11 or more full-time employees. Moreover, the format of the new model program is designed to encourage licensees to check off statements of good faith and to simply fill in a number of blanks. This format is likely to encourage a pro forma response on the part of many licensees. On the whole, then, the new guidelines and the model program which accompanies them do not constitute an improvement over the previous version. In some ways, they are a real setback.

UNDERUTILIZATION OF MINORITIES AND WOMEN

Section (b)(5) of the FCC's EEO rule requires licensees to:

> Conduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations and levels of responsibility in the station.[41]

Pursuant to this rule, section VI of the new guidelines requires licensees to conduct availability surveys showing the percentage of women and minorities available in the local labor force. Section VIII requires licensees to provide data on the

[38] 54 FCC 2d 354 (1975).
[39] *Id.*, at 363.
[40] Nondiscrimination of Broadcast Licensees, 1976.
[41] 47 C.F.R. 73.125(b)(5) (1970, as amended).

employees in the licensee's own work force. Section X suggests that licensees ". . .might compare the percentage of minority employees in its own work force with the percentage of minority persons in the licensee's labor market,. . ."[42]

These three steps provide the basis for determining underrepresentation, which, logically, should precede an analysis of the causes of underrepresentation and the development of efforts to redress those causes. However, the placement of these requirements at the end of the model program suggests that they are not to be considered as a vital first step of an effective affirmative action program. Instead, compliance with these requirements appears to be a goal in itself, yet another way that the licensee shows its "good faith." The elements of an effective affirmative action program are outlined in Revised Order No. 4.[43]

While the new guidelines require licensees to contrast the percentages of minority and female employees on their work forces with those in the local labor pool, licensees are not being given a clear standard to meet. Thus, the broadcaster is asked ". . .to determine whether [minorities and women] are 'reasonably represented' in its employment system." Furthermore, if there is a "substantial incongruence," the broadcaster is asked ". . .to describe the measures it will follow to assure equal employment opportunity."[44] Since the FCC does not specify what constitutes reasonable representation, there is no standard for determining which licensees are expected to describe their efforts.

This Commission determined the extent to which minorities and women might be underrepresented at the 40 stations in the sample, adopting the procedures suggested by the FCC. Using 1975 Form 395 data and the most recently available labor force data for the 10 Standard Metropolitan Statistical Areas (SMSAs) in which the stations are located, the following procedure was used. First, the number of employees of each racial or ethnic group, separated by sex, was calculated as a percentage of each station's work force. To compute utilization ratios, these percentages were then divided by the percentages of white and minority males and females in the local SMSA labor force.[45]

A ratio of 1.00 indicates parity; that is, a station employs the same proportion of individuals of a given race and sex as are available in the work force. Ratios less than 1.00 indicate that the group is not fully utilized. Ratios greater than 1.00 indicate overutilization. Utilization ratios were computed for each group consisting of at least 5 percent of the sample.[46] Blacks constituted at least 5 percent in every market sampled. Asian Americans constituted 5 percent or more only in San Francisco.[47] People of Spanish origin constituted 5 percent or more of the

[42] Nondiscrimination of Broadcast Licensees, "Model Equal Employment Opportunity Program."

[43] 41 C.F.R. 60–2.10, 2.11 (1971 as amended). In its *Comments* in response to this report, the FCC stated:

> This agency and CCR have had a long standing disagreement on our mission and appropriate role in this area. However, the underlying reasons for this Commission's role have been recognized by the Supreme Court (N.A.A.C.P. v. F.P.C., 425 U.S. 662 (1976) and more recently by the Court of Appeals (National Organization for Women, et al., v. F.C.C. Sl Op. 74–1853, D.C. Cir. April 11, 1977). In this regard, CCR in its comments in Docket 20550 (Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees) and various Congressional oversight hearings, has advocated that the FCC fashion similar EEO compliance requirements to those government agencies which enforce Executive Order 11246, as amended. This Order, which established the Office of Contract Compliance within the Department of Labor, mandates strict data gathering techniques and analysis by federal contractors and requires systematic on and off site compliance review. It should also be noted that federal agencies enforcing the Order are afforded budgetary compensation for their enforcement of the Order. However, in our view, the procedures employed by this Commission to gather compliance data must, of necessity, bear a strong relationship to the Commission's primary statutory purpose—regulation of the broadcast industry in the public interest. See N.A.A.C.P. v. F.P.C., *supra.* To this end, we believe that the procedures adopted by the Federal Communications Commission to enforce our nondiscrimination and equal employment opportunity rules, which have been developed with the broadcast industry in mind, are adequate and, indeed, have been effective.

Regulation of broadcasting in the public interest requires that all elements of the community be served (chapter 4, footnote 21). Because of television's pervasive influence which the FCC has acknowledged (Introduction, footnote 18), it is vital that the television industry exert greater effort to ensure that it is serving—and serving well—all of its viewers.

The *FCC Comments* utilize two cases to differentiate the FCC mission from that of the Office of Contract Compliance. However, both of these cases conclude that (1) because it is the mission of the FCC to assure that licensees broadcast programs in the public interest, and (2) because employment ultimately affects programming, that (3) it is the mission of the FCC to regulate equal employment opportunity. Indeed, as the Court of Appeals for the District of Columbia in National Organization for Women, et al., v. F.C.C. concluded in reference to N.A.A.C.P. v. F.C.C., the FCC regulates equal employment opportunity for minorities and women "to ensure that its licensees' programming fairly reflects the tastes and interests of minority groups [and women]." It seems rather incongruous for the FCC to use these cases to suggest that its mission to assure equal employment opportunity is somehow less important than that of the Office of Contract Compliance. The FCC suggests that its budget is insufficient to do a thorough job of assuring equal employment opportunity. If, indeed, this is the case, then it should seek additional funds.

[44] *Id.*, at §17.

[45] Appropriate SMSA labor force data were obtained from State "Manpower Information for Affirmative Action" surveys. Such data were unavailable for Cleveland and Chicago, so population percentages were substituted. See appendix F for sources of these data.

[46] This is the standard which the FCC uses in determining whether or not stations who employ no minorities or show a decline in minority employment are to be flagged for additional review of their equal employment opportunity programs and sent letters of inquiry regarding their affirmative action efforts.

[47] U.S., Department of Commerce, *Characteristics of the Population,* vol. 1, pt. 1, United States Summary, sec. 1, table 67, "Race of the Population for Areas and Places: 1970," (1973) pp. 324–33.

population in San Francisco, Los Angeles, and New York.[48] Native Americans constituted less than 5 percent of the population in all markets.[49] Accordingly, no utilization analyses were computed for them.

The ratios for each station are reported by market. Within each market the ratios are rank ordered, showing the ranges for each racial or ethnic group by sex. The ratios suggest that broadcasters who conduct utilization analyses of their work forces will uncover substantial underutilization of minorities of both sexes and of white women.[50] (See table 7.1 for utilization ratios for white males and females and black males and females for the 40 stations in the sample and table 7.2 for utilization ratios for Asian Americans and people of Spanish origin.)

The utilization data reported above suggest that black males and, to a lesser extent, black females appear to be achieving a fair representation on the work forces of many of the stations in the sample. However, these ratios refer only to overall employment and do not indicate the particular job titles which blacks (or any other employees) hold. As demonstrated in chapter 6, blacks as well as other minorities and white women are most frequently employed in positions which do not allow them to exercise decisionmaking authority and which tend to be substantially less well paid than is the case for white males. The lack of dispersion of minorities and women throughout the work force is clearly evident from Form 395 data obtained from the 40 stations. (Table 7.3 provides these data for each racial and ethnic group by sex.)

The FCC has recently quantified the "zone of reasonableness" by adopting a new standard for assessing EEO compliance by television stations. In its *Comments* concerning this report in draft, the FCC described the acceptable zone in the following terms:

> Briefly, the Commission will first look to a station's employment profile. If minorities and women are present on a station's staff in a ratio of fifty percent of their presence in the available workforce overall and twenty-five percent in the upper four job categories, the Commission will limit its analysis to a brief analysis of the written EEO program to assure that the program is complete in all significant respects. However, if a station does not meet this statistical standard, our staff will evaluate the written EEO program in detail and, if necessary, will request additional information from the licensee. If, after this analysis is complete, it appears that a licensee is still not in compliance with our rules, the Commission will not hesitate to use the sanctions available to it.[51]

This Commission has shown that employment ratios can be artificially raised if labor force data for employees of all minority groups are computed for "minorities" and "women." To demonstrate the effect of the processing procedure the FCC will now use, the Commission on Civil Rights reviewed tables 7.1 and 7.2 to determine the number of utilization ratios below .50: white females were below .50 at 5 of 32 stations; black females were below .50 at 1 of those stations; men of Spanish origin were below .50 at 2 of 12 stations; women of Spanish origin were below .50 at 7 of 12 stations; and Asian American men and women were below .50 at 1 of 4 stations. Using the ratios derived from the data provided by the FCC in its *Comments*, the ratios for "minorities"

[48] U.S., Department of Commerce, *Subject Reports: Persons of Spanish Origin*, table 13, "Social Characteristics of Persons and Families with Head of Spanish Origin for Selected Standard Metropolitan Statistical Areas and Places: 1970," (1973), pp. 150–59.

[49] *Characteristics of the Population*, table 67.

[50] In its *Comments*, the FCC describes 1976 employment data that it believes dispute the data reported here:

> . . .We have attached to this letter a station by station analysis of all 68 television stations in the markets utilized by CCR in its 40-station sample. . . .Our 68-station sample shows increased representation of minorities and women which, in some instances, approaches or exceeds parity with the available labor force.

The Commission on Civil Rights analyzed these data. Using SMSA labor force statistics for minorities and women provided by the FCC, the Commission computed utilization ratios for the minorities and women employed at the 40 stations in its sample. Setting an arbitrary figure of .80 as "approaching parity," the Commission determined that minorities approached parity at 12 stations and exceeded it at 15. Conversely, women approached parity at 8 stations and exceeded it at 4. Below parity ratios were as low as .30 for minorities at one station and .42 for women at another station. The median utilization ratio for women was .72, for minorities it was .88.

It should be noted, however, that preparing utilization ratios for minorities as one category—as the FCC proposes to do—is to subject the data to great distortion. In some labor markets the proportion of potential employees from certain minority groups is very small. Employing only one person of that group will artificially raise the utilization ratio for all minority groups. If that employee is a woman, the utilization ratio for white women will be affected as well. One example should clarify this point. In one city in the sample, the proportion of women of Spanish origin is 0.4 percent and Native American women constitute 0.2 percent of the labor force. In contrast, black females constitute 7.0 percent of the labor force and white females constitute 29.6 percent. (See appendix F for the source for these data.) In 1975 one station in that city reported employing two women of Spanish origin and one Native American woman. The resulting ratios were 8.4 percent and 10.9 percent, respectively. The FCC formula for computing ratios combines all minorities and all women. The inclusion of these three women in the computation brings the overall utilization of minorities to 2.16 and of women to 1.18. Thus, the procedure the FCC is now implementing will allow television stations to meet or even exceed employment parity with the local minority and female labor forces by employing one or two women from minority groups with sparce representation in the local labor force.

[51] *FCC Comments.*

and "women" at the same stations were determined to be *above* .50 in all but two cases. Thus, using its new processing standard, the FCC will ignore the fact that at four San Francisco stations, for example,

Table 7.1

UTILIZATION OF WHITE AND BLACK EMPLOYEES AT 40 TELEVISION STATIONS

	WHITE				BLACK			
	Males		Females		Males		Females	
	Ratio	Rank	Ratio	Rank	Ratio	Rank	Ratio	Rank
New York	1.08	24	0.66	12	1.29	8	1.19	7
	1.07	25	0.64	15	1.03	18	1.43	3
	0.92	30	0.99	2	0.86	25	1.08	11
	1.21	16	0.64	15	0.74	27	1.31	5
Washington, D.C.	1.14	22	0.73	8	1.27	9	1.01	12
	1.25	12	0.71	10	1.11	14	0.89	17
	1.39	5	0.65	13	0.83	26	0.93	14
	1.15	21	1.12	1	0.64	29	0.67	24
St. Louis	1.05	27	0.74	7	1.44	4	1.51	2
	1.21	16	0.57	23	0.96	24	1.27	6
	1.30	9	0.52	26	1.22	11	0.89	17
	1.48	4	0.44	28	0.31	32	0.87	19
Los Angeles	0.86	31	0.91	3	1.03	18	1.15	9
	0.96	29	0.60	20	1.37	7	1.11	10
	1.06	26	0.52	26	1.39	5	0.76	22
	1.14	22	0.58	22	1.07	15	0.55	27
Atlanta	1.03	28	0.79	6	1.49	3	0.99	13
	1.21	16	0.80	5	1.04	17	0.53	29
	1.31	7	0.61	18	0.97	22	0.74	23
	1.31	7	0.64	15	1.03	18	0.52	30
Detroit	0.76	32	0.83	4	1.56	2	2.02	1
	1.22	15	0.57	23	1.03	18	0.93	14
	1.27	11	0.57	23	0.65	28	1.19	7
	1.35	6	0.34	30	1.39	5	0.55	27
San Francisco	1.25	12	0.61	18	1.74	1	1.39	4
	1.69	3	0.34	30	1.26	10	0.79	20
	1.78	2	0.31	32	1.07	15	0.59	25
	1.83	1	0.39	29	0.97	21	0.57	26

Source: Ratios for stations in the first 8 markets were computed using the percentages of full-time white and black employees for 1975 appearing on FCC Form 395 reports and the percentages in the SMSA *labor force* in which the stations are located. The ratios for the remaining 2 markets were computed using the percentages of full-time white and black employees for 1975 and the *population* percentages of each group based upon the 1970 U.S. Census data for the SMSA in which stations are located. See Appendix F for the sources of these data. The resulting ratios are ranked from 1 to 32 (and from 1 to 8) for each race-sex group. The markets are also ranked for overall utilization of blacks and white women.

Table 7.1 Continued

	WHITE				BLACK			
	Males		Females		Males		Females	
	Ratio	Rank	Ratio	Rank	Ratio	Rank	Ratio	Rank
Philadelphia	1.17	20	0.68	11	1.20	12	0.48	31
	1.23	14	0.72	9	0.55	30	0.92	16
	1.20	19	0.65	13	1.19	13	0.47	32
	1.30	9	0.59	21	0.59	29	0.77	21
Chicago	1.53	6	0.38	7	1.09	4	0.91	2
	1.63	3	0.41	4	0.87	5	0.44	5
	1.52	7	0.58	3	0.71	7	0.53	4
	1.42	8	0.68	2	0.83	6	0.27	7
Cleveland	1.55	5	0.40	6	1.30	2	0.99	1
	1.64	2	0.41	4	1.22	3	0.77	3
	1.72	1	0.34	8	1.48	1	0.41	6
	1.61	4	0.75	1	0.19	8	0.17	8

Table 7.2

UTILIZATION OF PEOPLE OF SPANISH ORIGIN AND ASIAN AMERICANS AT STATIONS IN SMSAs IN WHICH THEY CONSTITUTE AT LEAST 5 PERCENT OF THE POPULATION

	PEOPLE OF SPANISH ORIGIN				ASIAN AMERICANS			
	Males		Females		Males		Females	
Market	Ratio	Rank	Ratio	Rank	Ratio	Rank	Ratio	Rank
San Francisco								
	0.74	4	0.28	8	0.54	2	0.64	3
	0.64	7	0.19	10	0.54	2	0.99	1
	0.29	11	0.35	6	0.82	1	0.84	2
	0.56	9	0.29	7	0.47	4	0.41	4
New York								
	0.65	6	1.47	1				
	0.63	8	0.78	2				
	0.73	5	—	12				
	0.26	12	0.27	9				
Los Angeles								
	0.78	2	0.72	4				
	0.76	3	0.76	3				
	0.80	1	0.17	11				
	0.54	10	0.66	5				

Source: The available data from the State of California Department of Human Resources Development provided labor force data for Asian Americans and Native Americans, combined as "other races." The resulting ratios for Asian Americans have therefore been artificially deflated to some extent. See Appendix F for the State of California, Department of Human Resources Development, *"California Manpower Indicators from the 1970 Census: Summary Manpower Indicators San Francisco County"* (1972) and sources of SMSA data for New York and Los Angeles.

Table 7.3

PROPORTION OF MALE AND FEMALE EMPLOYEES BY RACE, ETHNICITY AND JOB CATEGORY FOR 40 STATIONS FOR 1975

		WHITE		BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		ROW TOTAL
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	
Officials and Managers		747	223	49	45	8	3	0	0	14	4	1093
	Row	68.34	20.40	4.48	4.12	0.73	0.27	0.00	0.00	1.28	0.37	100.00
	Column	15.33	13.45	7.13	8.75	12.50	3.57	0.00	0.00	7.78	4.30	13.37
	Total	9.14	2.73	0.60	0.55	0.10	0.04	0.00	0.00	0.17	0.05	13.37
Professionals		1302	441	169	127	17	25	0	2	55	21	2159
	Row	60.31	20.43	7.83	5.88	0.79	1.16	0.00	0.09	2.55	0.97	100.00
	Column	26.71	26.60	24.60	24.71	26.56	29.76	0.00	22.22	30.56	22.58	26.41
	Total	15.92	5.39	2.07	1.55	0.21	0.31	0.00	0.02	0.67	0.26	26.41
Technicians		2047	89	256	23	24	5	9	0	61	5	2524
	Row	81.10	3.53	10.14	1.11	0.95	0.20	0.36	0.00	2.42	0.20	100.00
	Column	42.00	5.37	37.26	5.45	37.50	5.95	69.23	0.00	33.89	5.38	30.87
	Total	25.04	1.09	3.13	0.34	0.29	0.06	0.11	0.00	0.75	0.06	30.87
Sales Workers		173	96	36	8	3	0	1	0	3	0	310
	Row	55.81	27.74	11.61	2.58	0.97	0.00	0.32	0.00	0.97	0.00	100.00
	Column	3.55	5.19	5.24	1.56	4.69	0.00	7.69	0.00	1.67	0.00	3.79
	Total	2.12	1.05	0.44	0.10	0.04	0.00	0.01	0.00	0.04	0.00	3.79
Office and Clerical		145	777	75	291	7	51	1	7	21	63	1438
	Row	10.08	54.03	5.22	20.24	0.49	3.55	0.07	0.49	1.46	4.38	100.00
	Column	2.97	46.86	10.92	56.61	10.94	60.71	7.69	77.78	11.67	67.74	17.59
	Total	1.77	9.50	0.92	3.56	0.09	0.62	0.01	0.09	0.26	0.77	17.59
Craftsmen		347	28	21	1	1	0	2	0	15	0	415
	Row	83.61	6.75	5.06	0.24	0.24	0.00	0.48	0.00	3.61	0.00	100.00
	Column	7.12	1.69	3.06	0.19	1.56	0.00	15.38	0.00	8.33	0.00	5.08
	Total	4.24	0.34	0.26	0.01	0.01	0.00	0.02	0.00	0.18	0.00	5.08

Source: The data in this table were based on analysis of Form 395 reports.

Table 7.3 Continued

		WHITE		BLACK		ASIAN AMERICAN		NATIVE AMERICAN		SPANISH ORIGIN		ROW TOTAL
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	
Operatives		57	6	25	4	1	0	0	0	6	0	99
	Row	57.58	6.06	25.25	4.04	1.01	0.00	0.00	0.00	6.06	0.00	100.00
	Column	1.17	0.36	3.64	0.78	1.56	0.00	0.00	0.00	3.33	0.00	1.21
	Total	0.70	0.07	0.31	0.05	0.01	0.00	0.00	0.00	0.07	0.00	1.21
Laborers		13	0	8	0	2	0	0	0	2	0	25
	Row	52.00	0.00	32.00	0.00	8.00	0.00	0.00	0.00	8.00	0.00	100.00
	Column	0.27	0.00	1.16	0.00	3.13	0.00	0.00	0.00	1.11	0.00	0.31
	Total	0.16	0.00	0.10	0.00	0.02	0.00	0.00	0.00	0.02	0.00	0.31
Service Workers		43	8	48	10	1	0	0	0	3	0	113
	Row	38.05	7.08	42.48	8.85	0.88	0.00	0.00	0.00	2.65	0.00	100.00
	Column	0.88	0.48	6.99	1.95	1.56	0.00	0.00	0.00	1.67	0.00	1.38
	Total	0.53	0.10	0.59	0.12	0.01	0.00	0.00	0.00	0.04	0.00	1.38
Total		4874	1658	687	514	64	84	13	9	180	93	8176
	Row	59.61	20.28	8.40	6.29	0.78	1.03	0.16	0.11	2.20	1.14	100.00
	Column	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
	Total	59.61	20.28	8.40	6.29	0.78	1.03	0.16	0.11	2.20	1.14	100.00

women of Spanish origin have utilization ratios ranging from .19 to .35, far below their availability in the labor force.

The FCC appears to have developed the standard of 25 percent employment for women and minorities in the upper four categories as a means of assuring that they are employed at all levels of the work force. This figure, however, bears no reasonable relationship to the facts. As reported in chapter 6, 77.2 percent of all employees in television stations around the Nation were employed in the upper four categories in 1975; 60.5 percent of all minorities and 38.5 percent of all women were classified in the upper four. Contrasted with these figures, the 25 percent standard appears to be unreasonably low. Furthermore, with so many employees classified in the upper four, the category appears to have little meaning regarding the actual placement of minorities and women.

The FCC's new guidelines include a requirement which will—to a limited degree—provide data regarding the placement of minorities and women at local stations. Licensees with 50 or more employees will be required to submit a list of all job titles within each of the nine FCC Form 395 categories indicating the number of employees holding these job titles by race, ethnicity, and sex.[52]

The preparation of such a list may have the ultimate effect of standardizing the classification of job titles by job category and reducing the tendency to classify clerical-type job titles under the officials and managers or professionals categories. However, there is nothing in the guidelines nor in the model program which requires licensees to analyze this list to determine the extent to which women and minorities are participating ". . .fully in all organizational units, occupations, and levels of responsibility in the station."[53] Without conducting such an analysis, licensees will not have undertaken all appropriate measures to discover possible discrimination against minorities and women. Furthermore, applying this requirement only to licensees with 50 or more employees fails to take into account the fact that *all* licensees have a responsibility to eradicate discrimination and to provide equal employment opportunity. Only 41 percent of all television stations have 50 or more employees.[54] Thus, well over half of all television stations will not have to prepare the job titles list. Furthermore, 88 percent of all noncommercial stations have fewer than 50 employees and, thus, will be exempt from this requirement.[55]

AFFIRMATIVE EFFORTS AND RESULTS

As was true of the previous guidelines, the revised edition emphasizes the adoption of recruitment and training efforts to increase the pool of qualified applicants. Section IV of the model program asks licensees to indicate the recruitment efforts they undertake and the sources they use to reach minority and female applicants. In each case, space is provided for licensees to indicate the number of referrals they receive from each source, such as newspaper advertising and schools with significant enrollments of minorities and women. Heavy emphasis on recruitment to the exclusion of other efforts, such as examination of selection techniques for possible discriminatory policies and procedures, assumes that there is one primary cause for the underutilization of minorities and women on a station's work force: lack of readily available sources of applicants. As discussed in chapter 5, the general managers at the eight stations indicated that they had more applicants than they could possibly hire. Furthermore, the general attitude was that minorities and women are not qualified to hold many broadcasting positions. Increasing the applicant pool is likely to do little to affect this attitude.

A major criticism of the previous guidelines is that they failed to require licensees to report the results of their affirmative efforts. The new guidelines require licensees to provide data on job hires and promotions. However, the FCC requires that the data be submitted in summary form. For example, with regard to employment, the requirement is:

> During the twelve month period beginning (Month-Day-Year) and ending (Month-Day-Year), we hired a total of (blank) persons of whom (blank) were minorities and (blank) were women.[56]

The instructions for promotion and training data are even less detailed:

[52] Nondiscrimination of Broadcast licensees, at §17.
[53] 47 C.F.R. 73.125(b)(5) (1970, as amended).
[54] This figure was provided as "the best available estimate" by Glenn Wolfe, Renewal and Transfer Division, Broadcast Bureau, FCC (telephone interview), Nov. 19, 1976.
[55] Corporation for Public Broadcasting, "Comments In the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees", Oct. 10, 1975, p. 13.
[56] Nondiscrimination of Broadcast Licensees, at sec. VIII.

> During the past twelve months, our policy [to provide promotions on a nondiscriminatory basis] has had the following results:[57]
>
> Tangible benefits of [on-the-job] training to minority and women employees during the past 12 months may be briefly described as follows:[58]

These instructions have three obvious faults: they do not require licensees to report hiring and promotion data for the entire license period; they do not require data for specific job titles; and they do not require data for each of the minority groups by sex or for white women. The phrase "women and minorities"—or its converse—is used widely because of its convenience, but it does not refer to mutually exclusive categories. When data are collected for women and minorities as if they were mutually exclusive, confusion and distortion are inevitable results, particularly insofar as both white and minority women are concerned.

As has been shown throughout this report, there are real differences in the status of white versus minority women. Presumably, such differences would imply a variety of measures to improve the status of both groups as well as that of minority men. The collection of data on "women" and on "minorities" obscures these differences and does not as readily lead to efforts on behalf of *each* of the affected groups. Furthermore, this data collection scheme encourages the double counting of minority women—as minorities and as women.[59]

FORM 395

In its Notice of Inquiry and Proposed Rulemaking on Nondiscrimination, the FCC requested comments regarding its Form 395. This Commission recommended major changes in the form, supporting its criticism of the current form with preliminary data from the study reported here. This Commission argued that the job categories were not directly related to the broadcasting industry and were so broadly defined that licensees did not use them uniformly. This Commission emphasized its finding that certain job titles were classified under different job categories by different licensees.[60] This resulted in impressive statistics regarding minorities and women for those licensees who elected to classify clerical-type job titles under the officials and managers or professionals categories rather than in the office and clerical category where they might more appropriately belong. However, the FCC elected to retain the current form, arguing that the changes it was introducing in its sample EEO program made changes in Form 395 "unnecessary":

> . . .[T]he filing. . .of a work force analysis by all employers employing more than 50 employees which must show a list of all job titles within Form 395 with male, female and minority employees designated [and]. . .the other nine sections of the new sample program together with our various EEO letters of inquiry and reporting requirements will, we believe, provide us with the necessary details on job titles and functions.[61]

The Form 395 employment report is the standard reporting form used by all licensees with five or more employees. As described in chapter 6, the data derived from the annual reports which these licensees submit are summarized and reported by the FCC. The United Church of Christ's Office of Communication publishes detailed analyses of these data. Because of the weakness of Form 395 the data derived from these reports are distorted. These summaries will continue to report distorted data as long as the current form is in use. The filing of job titles by licensees with 50 or more employees will do nothing to alter these distortions. Furthermore, the vast majority of the stations will not be required to file job lists with the FCC.

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[57] *Id.*, at sect. IX.

[58] *Id.*, at sec. V.

[59] In its *Comments* regarding this discussion of the FCC's new EEO guidelines and model EEO program, the FCC has stated:

> Our explanations for the various data requirements, the small station exemption and the reporting format are adequately set out in the Commission's *Report and Order* in Docket 20550. . . .The new program only went into effect on April 1, 1977, and the Commission is only now beginning to collect information that, over a reasonable period of time, will serve as a basis for assessing its effectiveness. It does not appear that sufficient data are presently available to assess a program that was developed with the participation of all interested parties and formulated within the FCC's statutory parameters.

In assessing the potential effectiveness of the FCC's new program, the Commission on Civil Rights relied in part on data developed for the current study. There are many similarities between the new program and its predecessor; therefore, the use of these data is appropriate. That part of the new program constituting a utilization analysis was also appropriately evaluated using data gathered for this report.

It is also possible to predict that the hiring and promotion data that the FCC requires licensees to provide will reveal very little about the changing employment status of minorities and women at stations. As noted in the preceding section, the FCC does not require licensees to specify job titles or to cross-classify newly hired or promoted employees by race, ethnicity, and sex. It is not necessary to await the resulting data to assess their lack of specificity or the potentialities for distortion.

[60] U.S., Commission on Civil Rights, "Comments by the U.S. Commission on Civil Rights in the Matter of Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees: Notice of Inquiry and Proposed Rulemaking by the Federal Communications Commission, Docket #20550" (1976), at 35.

[61] Nondiscrimination of Broadcast Licensees, at §55.

In regard to the failure of the instructions to specify which job titles belong with which job category, the FCC responded: ". . .[W]e believe that our instructions to Form 395 are sufficiently detailed to provide each licensee with adequate information to determine the appropriate job classifications at a particular station."[62] The data reported in chapter 6 suggest that this belief is not well founded.

This Commission has also criticized the FCC's failure to require employment data for white women as well as for minority men and women. The FCC did not respond to this criticism.[63] The employment and placement of white women differs substantially from that of minority group women and should be reported separately so that the needs of white women as well as minority group women can be addressed.

REPORTING REQUIREMENT

Finally, the FCC has elected to increase the size of the stations required to prepare EEO programs, from 5 full-time employees to 11, arguing that the public interest would not be served by requiring such small stations to file:

> It would, in our opinion, ill-serve the public interest to require such small operations to assume the administrative burdens that are essentially inherent in the management of larger businesses.[64]

Although these licensees are to be held to the intent of the FCC's equal employment opportunity rule,[65] the FCC argued that requiring such small stations to file was inappropriate due to the nature and process of the program it requires:

> . . .[S]ince written equal employment opportunity programs are also designed to assess patterns of underutilization, which are chiefly discoverable through statistical analysis, the merit of a detailed program in a small station is questionable. . . .[66]

The FCC assumes that statistical analysis is inappropriate at small stations because the employment of even one minority individual might constitute "overrepresentation." However, this argument ignores the fact that although there might be proportionately few minorities in a local station's service area, women constitute a substantial proportion of the labor force in each area. However, women were substantially underrepresented at most of the stations in this study.

The FCC's EEO program should represent a commitment on the part of *all* licensees to increase the number of women and minorities on their work forces and to ensure that they have an equal opportunity to serve in decisionmaking positions, especially with regard to programming. As FCC Commissioner Benjamin Hooks argued in his dissent to the alteration of the filing requirements, ". . .[U]nder the Communications Act, all licensees are public trustees and all have an equal mandate to serve the same public interest."[67]

With regard to this mandate, Commissioner Hooks argued that the FCC's decision to exempt a majority of the licensees from developing and submitting an EEO program is unfair to everyone concerned:

> In a curious sense, it is almost inequitable to place a filing requirement only on larger stations and treat the filing requirement as if it were a penalty rather than a concomitant of a positive, affirmative national effort to alleviate the patent inequality of opportunity and experience. The exclusion of a majority of the nation's media outlets from the filing requirement, while at the same time holding them to equivalent practices, becomes questionable since the inability of a licensee to point to a palpable reference as its guide for action places the licensee, the agency and the public at a disadvantage in understanding the station's efforts and policies.[68]

CONCLUSION

It has been argued throughout this report that the employment of women and minorities in decisionmaking positions in the television industry—particularly in areas related to programming—will ultimately enrich and diversify a station's program service. Acknowledging the relationship between employment and programming, the FCC's equal employment opportunity rule was designed to achieve the elimination of employment discrimination and to

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[62] Comments by the U.S. Commission on Civil Rights in the Matter of Nondiscrimination of Broadcast Licensees, pp. 15, 22, 37.
[63] Nondiscrimination of Broadcast Licensees, at §55.
[64] *Id.*, at §37.
[65] 47 C.F.R. 73.125(a) (1970, as amended).
[66] Nondiscrimination of Broadcast Licensees, at §38.
[67] *Id.*, "Statement of Commissioner Benjamin L. Hooks, Concurring in Part; Dissenting in Part," p. 2.
[68] *Id.*, pp. 2–3.

encourage equal employment opportunity. The FCC's obligation to regulate employment as a means of fostering programming designed to serve all segments of the community was recently recognized by the Supreme Court:

> The Federal Communications Commission has adopted regulations dealing with the employment practices of its regulatees. These regulations can be justified as necessary to enable the FCC to satisfy its obligation under the Communications Act of 1934 to ensure that its licensees' programming fairly reflects the tastes and viewpoints of minority groups.[69]

The FCC's EEO rule includes the elements necessary to end discrimination and to bring about equal employment opportunity in the broadcast industry. However, by its implementation and enforcement of this rule, the FCC has indicated that it is willing to accept little more than a paper commitment to these twin goals. In doing so it has thereby demonstrated its unwillingness to live up to the promise of its original call to the "conscience" of the Nation's broadcasting media and to its own mandate to encourage the broader and more effective use of radio and television.[70]

[69] National Association for the Advancement of Colored People, v. Federal Power Commission, 44 LW 4659, May 19, 1976, footnote 7 (citations deleted).

[70] In its *Comments* regarding this report the FCC responded:

> As a final matter, we note that the draft report does acknowledge that the Commission's nondiscrimination rule "includes the element necessary to bring about equal employment opportunity in the broadcast industry." This also is the conclusion that we reached in adopting more precise policies and guidelines for the implementation of these rules. The Commission's record of enforcement, however, demonstrates more than a "paper commitment" to the elimination of discriminatory employment barriers within the industry. Our imposition of various sanctions (i.e. short-term renewals and EEO conditional grants) speak for themselves and evidence the Commission's continuing concern for full EEO compliance. In Fiscal Year 1976, not including the added quarter, the Broadcast Bureau received petitions to deny and/or informal objections against 499 stations alleging some form of employment discrimination. Allegations against all 499 stations were examined and presented to the Commission for its consideration. As a result of our analysis, 119 stations were subject to further inquiry and/or the regular pleading cycle. The allegations against the other stations were dismissed as procedurally deficient as lacking merit. Of the 119 stations queried, 37 were conditionally granted renewal of license based on their submission (and our evaluation) of periodic EEO progress reports. Through the routine processing of applications for renewal of license, 2,265 EEO programs were examined to determine their compliance with the Commission's nondiscrimination rules and a portion of these were selected out for further evaluation through processing criteria. Some 256 EEO programs were evaluated in depth resulting from this routine processing of non-contested renewal applications and 128 resulting from contested cases. In addition to the 37 stations previously mentioned as receiving conditional grants, 36 stations received similar conditions as a result of our routine processing procedure. Therefore, rather than having a lax enforcement program, the Commission believes that its enforcement of equal employment requirements is substantial and we anticipate an even more vigorous record with our newly adopted procedures.

This Commission is pleased to learn that the FCC anticipates a vigorous effort of EEO enforcement in coming years. The data regarding its effort in the past year are apparently primarily applicable to radio to which, of course, its EEO rule also applies. While they demonstrate that the FCC engages in a good deal of enforcement activity, they do not speak to the nature of that activity nor to its results. Given the data reported in chapter 5 of this report, this Commission notes that only 256 EEO programs out of 2,265 required indepth review as a result of routine processing.

The FCC statement regarding its enforcement efforts is not responsive to the major points made in this report: (1) While the gross numbers of minorities and women employed at television stations have increased over the past 5 years, with few exceptions, they are *not* employed at television stations in proportion to their numbers in the labor force: (2) While large proportions of minorities and women are reported to be employed in the upper four categories, most of them do *not* hold decisionmaking, high level, supervisory or high level, professional positions.

The revised guidelines and model EEO program that the FCC recently implemented do not address these points nor do the *Comments* that the FCC has made regarding this report.

Findings and Recommendations

The impact of television on the Nation's viewers, while not precisely measurable, is nevertheless immense. The average viewer devotes almost 7 hours per day—more than 2,500 hours per year—to television. The more time that people spend watching it, the more they are likely to accept television's version of life, particularly those aspects with which they have little direct experience. For example, women who are heavy viewers of television believe they live in a violent world in which they are likely to encounter violence. Similarly, it has been shown that viewers who do not interact with members of other racial groups use television as a source of information about them, sometimes to reinforce stereotyped beliefs. In general, beliefs, attitudes, and behavior are affected by television's limited and often stereotyped portrayals of men and women, both white and nonwhite.

The findings and recommendations that follow grow directly out of the preceding analyses of data samples for 1969 through 1975 and are directed to several institutions which interact in the process of mass communication via television. These institutions vary in their contributions to the process and in the degree of influence they enjoy. Each can play an important role in improving and diversifying the image of women and men, both majority and minority, which is disseminated by television. They can ensure this, in part, by ending discrimination and by providing equality of employment opportunity within the industry.

Findings

STEREOTYPED PORTRAYALS IN TELEVISION DRAMA

1. Television drama does not reflect the sexual and racial/ethnic makeup of the United States.
   - White males are overrepresented.
   - Female characters in general are underrepresented and minority women are nearly invisible.
   - Minority men appear more frequently than minority women, but they are often typecast in ghetto roles and appear primarily in programs set in foreign or ethnic locales. Minority characters also appear as tokens in otherwise all-white shows.
2. Sex stereotyping of characters is more prevalent than race stereotyping.
   - Males, particularly white males, are older, more independent, more frequently portrayed in serious roles, and hold more diverse and prestigious occupations than female characters.
   - Females, both white and minority, are younger, more often unemployed or family bound, and more frequently seen in comic roles.
   - Masculine strength and feminine weakness are reinforced in violent episodes. A disproportionate number of women, particularly minority women, are portrayed as the victims of violence.

WOMEN AND MINORITIES IN NETWORK NEWS

3. During the period covered by this study minorities and women were rarely seen as newsmakers or as news reporters on each of the three networks.
4. The civil rights of minorities and women and issues of concern to them received minimal coverage on television network news.

REGULATION OF PROGRAMMING AND THE PUBLIC INTEREST

5. The presentation of minorities and women in a representative and realistic manner has been impeded by an assumption that to do so would diminish television's use as a medium whose programming is designed primarily to attract the largest possible audience.
6. Despite the failure of industry self-regulation, the Federal Communications Commission (FCC) relies on television broadcasters to use their own judgment regarding the portrayal of minorities and women.

EMPLOYMENT STATUS OF WOMEN AND MINORITIES AT LOCAL TELEVISION STATIONS

7. Women and minorities are not being fully utilized at all levels of station management nor at all levels of local station operations.
   - White males hold the overwhelming majority of decisionmaking positions.
   - In contrast, women and minorities hold subsidiary positions.
8. Women, particularly minority women, continue to be concentrated within the clerical ranks. Furthermore, the proportion of minority women in the office and clerical category has increased markedly in recent years.
9. In comparison with their presence in the work force in general, a relatively high proportion of minority females (and to a lesser extent minority males) are employed in visible positions as on-the-air talent. Increased visibility on the screen without comparable representation in decisionmaking positions suggests that minorities and women serve merely as window dressing.
10. The actual employment status of minorities and women has been misrepresented by licensees. The FCC Form 395 allows licensees to imply erroneously that women and minorities are moving into decisionmaking positions when their job titles and salaries suggest that they perform primarily clerical and routine administrative tasks.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

11. The FCC does not require licensees to analyze their work forces for representation of minorities and women at all levels of responsibility. Moreover, the FCC's emphasis on the total number of minorities and women employed at a local station does not encourage licensees to employ them in positions that carry decisionmaking authority and program production responsibility.

12. The FCC requires licensees to report recruiting and training efforts, but these reports do not have to be correlated either with underutilization of minorities and women or with their actual hiring and promotion. The resulting reports are meaningless at best and misleading at worst, for licensees have demonstrated a tendency to report efforts which have not resulted in the employment or promotion of women and minorities. Furthermore, some licensees have reported undertaking specific affirmative action efforts when, in fact, they have not done so.

13. In 1976 the FCC revised its guidelines for the preparation of EEO programs (Docket No. 20550). The new guidelines repeat the mistakes of the previous guidelines regarding the reporting of efforts.

- The 1976 guidelines require licensees to perform an availability survey determining the extent to which minorities and women are underutilized on an overall basis. However, they do not require analysis for each level and area of responsibilitiy within a licensee's work force.
- The 1976 guidelines do not require licensees to determine the causes of underutilization, nor do they require licensees to undertake specific efforts to reduce or eliminate those causes.
- The 1976 guidelines perpetuate the practice of reporting efforts unrelated to specific causes of underutilization or to the specific effects of those efforts.

Recommendations

PORTRAYAL OF WOMEN AND MINORITIES IN TELEVISION PROGRAMMING

1. The Federal Communications Commission should conduct an inquiry and proposed rulemaking on the portrayal of minorities and women in commercial and public television drama.

Historically, the FCC has relied on the industry to regulate itself insofar as program content is concerned. The Code of the National Association of Broadcasters and those of each of the three networks already contain provisions prohibiting the broadcasting of stereotyped portrayals of minorities and women. Despite these provisions, the findings of this report demonstrate that stereotyped treatment of minorities and women is prevalent in network programming. As reported in chapter 4, the portrayal of minorities and women is "an industry-wide problem" in need of an "industry-wide remedy." Commissioner Benjamin Hooks has suggested that the FCC undertake an inquiry and proposed rulemaking on the problem, and the U.S. Court of Appeals has seconded that suggestion. This Commission agrees that the FCC must explore ways to require that network programming serve all members of the viewing public.

2. Production companies and network programming executives should incorporate more minorities and women into television drama. Toward this end they should undertake the following measures:

- **Develop series which portray minorities and women playing a variety of roles comparable in diversity and prestige to those played by white males;**
- **Actively solicit scripts from minority and female writers;**
- **Set up training programs to develop new minority and female writers;**
- **Actively solicit advice from citizen groups regarding the ways in which minorities and women are portrayed in the series they produce.**

Recent efforts by some production companies to improve the portrayal of minorities and women have already demonstrated the value of these recommendations. Quality programs and diversified portrayals of minorities and women have resulted from these efforts.

3. The networks should make training and placement opportunities in decisionmaking positions in their news departments available to minorities and women.

Representation of women and minorities in key editorial, reporting, and writing positions is critical to the development of a broader and more varied concept of what constitutes the news.

4. Congress should empower the FCC to regulate equal employment opportunity at the networks.

Requiring the networks to prepare employment reports and equal employment opportunity programs for all of their employees will encourage the infusion of minorities and women into the network program and news decisionmaking processes and thereby improve and diversify the portrayal of minorities and women.

FCC ENFORCEMENT OF EQUAL EMPLOYMENT OPPORTUNITY IN THE BROADCASTING INDUSTRY

5. The FCC should extend all reporting requirements associated with its Equal Employment Opportunity Rule to all broadcast licensees.

Every broadcast licensee, in return for its use of the public airwaves, accepts an obligation to serve all elements of the community. Regardless of the size of its work force, every broadcaster is a public trustee and should be held accountable for employing minorities and women in an equitable manner.

6. The FCC should require all broadcast licensees to examine the composition of their work forces in order to ascertain the extent to which minorities and women are fully and equitably represented at the various levels of responsibility and in all areas of station employment.

Conducting such an examination would bring licensees into compliance with section (b)(5) of the FCC's Equal Employment Opportunity Rule which requires licensees to:

> [c]onduct a continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed in order to insure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

The first step in the development of an EEO program is ascertainment of underutilization. To the extent that underutilization exists, it is the licensee's responsibility to determine its causes and to eliminate them. The FCC's current procedure is inadequate because it does not require a utilization analysis as the fundamental, first step in the development of a licensee's EEO program. Furthermore, the rule only applies to licensees with 11 or more employees.

7. The FCC should require every licensee to submit as part of its license renewal application a list of its employees classified by job category and cross-classified by race/ethnicity and sex. Job titles within each category should be arranged by salary.

Currently, the FCC requires such a list from licensees employing 50 or more people. The work force profile is an indispensable tool for ascertaining the extent to which minorities and women are dispersed throughout the licensee's work force. This requirement should apply to all stations regardless of the size of their work force.

8. The FCC should revise its Form 395 to facilitate a thorough utilization analysis.

A recommended format is attached. This proposed format has the following advantages over the FCC's Form 395:

- The job categories and definitions are pertinent to the broadcasting industry. Furthermore, the categories will help licensees identify the extent to which female and minority personnel are employed in programming, production, and on-the-air capacities as well as the extent to which they are employed in top management and as department heads.
- The form provides for reporting white as well as minority employees by sex. Thus, the status of white males and white females as well as minority males and females by race and ethnic group are all clearly represented. Elimination of the "total females" column will eliminate the double counting of minority women both as females and as minorities.
- The format provides for the calculation of the proportion of employees by sex and racial/ethnic group who are employed in each job category. This will enable the licensee to ascertain the degree to which minorities and women are employed in all organizational units, occupations, and levels of responsibility at the station.
- The form provides a useful scheme for the calculation and reporting of utilization ratios for each racial and ethnic group by sex. These data will indicate the extent to which each group is represented on the licensee's overall work force.

9. The FCC should establish the following standards for the employment of minorities and women in the broadcasting industry:

- **The overall utilization of men and women of each racial/ethnic group on a local station's workforce should be at least 80 percent of parity with their representation in the labor force of the station's service area;**
- **The dispersion of minorities and women throughout a local station's work force should be comparable to that of white males;**

Although this Commission is pleased to acknowledge the FCC's recent effort to quantify its "zone of reasonableness," it is not apparent how providing for the employment of minorities and women at a rate of at least 50 percent of their numbers in the local labor force, with at least 25 percent of both groups in the upper four categories, can be expected to have any significant effect upon improving the status of women and minorities in the television industry. FCC's decision to combine all minorities and women for the purpose of its standard is further evidence of its persistent unwillingness or inability to recognize the real deficiencies in its earlier equal employment program. How, for example, can the FCC justify the 25 percent standard, when it is aware that over 77 percent of all television employees are now in the upper four categories? Certainly, requiring 50 percent fewer minorities and women than are already in the local labor force is stretching the need for flexibility beyond the bounds of credulity.

10. The FCC should adopt the following procedures to enforce these standards:

- **Require all licensees failing to achieve the twin goals of labor market parity and the dispersion of minority and female employees throughout their**

work forces to file the following documents with their first application for license renewal following the adoption of this recommendation:

(1) An analysis of the licensee's employment practices that outlines the causes of underutilization;

(2) A list of specific recruitment, training, and other measures to achieve parity and equal representation of minorities and women;

(3) A statistical report indicating the results of the licensee's efforts to hire and promote minorities and women. Statistical reports on applicant flow and terminations should also be submitted. These reports should be prepared for each year of the license period.

Currently, the FCC requires a discussion of recruitment and training efforts which are not necessarily related to the causes of underutilization. Furthermore, the documentation of the results of the licensee's efforts to improve the employment status of minorities and women is insufficiently detailed to determine the effectiveness of these efforts. The forms herein recommended for reporting applicant flow, hires, training, promotion, and termination will aid the licensee to determine the effectiveness of its EEO program. Those licensees that have ensured equal employment opportunity will be relieved of preparing such materials. Moreover, the FCC will be relieved of reviewing the EEO programs of licensees who are already in compliance.

- **Defer the licenses of licensees whose hiring, promotion, and termination records and recruitment and training practices suggest noncompliance, pending an on-site review of their employment practices and a determination that all reasonable means to achieve compliance have been exhausted. If the results of such a review and determination show continuing noncompliance, the FCC should hold a hearing regarding revocation of the license.**

Those licensees who have not ensured equal employment opportunity will be held accountable to demonstrate that their failure to do so is not the result of discriminatory employment policies and practices.

PROPOSED FORM 395

Job Categories	Total Employees		White		Minority Male				Minority Female			
			Male	Female	Black	Asian American	Native American	Spanish Origin	Black	Asian American	Native American	Spanish Origin
	No.	%	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %	No. %
1.Top Management												
2.Department Heads												
3.On-the-Air Professionals												
4.Programming/ Production Professionals												
5.Other Professionals												
6.Technicians												
7.Sales Workers												
8.Office and Clerical Workers												
9.Semiskilled Workers												
TOTAL												

PROPOSED FORM 395 Continued

Job Categories	Total Employees		White		Minority Male								Minority Female							
			Male	Female	Black		Asian American		Native American		Spanish Origin		Black		Asian American		Native American		Spanish Origin	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Percent on Licensee's Workforce																				
Percent in Local Labor Force																				
Utilization Ratios																				

DEFINITIONS OF THE PROPOSED EMPLOYMENT CATEGORIES FOR FORM 395

1. TOP MANAGEMENT

Administrative personnel who set broad policies and have responsibility for the execution of these policies. This category should be restricted to officers of the licensee, such as president, vice president, general manager, and station manager.

2. DEPARTMENT HEADS

Administrative personnel who direct individual departments, including directors of programming, news, sales, public affairs, community relations, promotion, chief engineers, and those holding equivalent positions.

3. ON-THE-AIR PERSONNEL

Individuals who appear in television programs, including news anchorpersons, correspondents, reporters, hosts, and announcers.

4. PROGRAM PRODUCTION PROFESSIONALS

Personnel who are engaged in the writing, preparation, production, and operational aspects of programming, including executive producers, producers, directors, continuity and news writers, editors, production and program assistants, operations managers, graphic artists, artists, and floor directors.

5. OTHER PROFESSIONALS

Personnel who are engaged in occupations requiring a college degree or equivalent experience but who are not directly involved in program production functions, including lawyers, accountants, auditors, librarians, personnel workers, and administrators.

6. TECHNICIANS

Personnel who are engaged in occupations requiring a combination of comprehensive knowledge of the technical aspects of the job as well as the requisite manual skills, including engineers, engineering assistants, computer programmers and operators, photographers, camera and sound personnel, lighting technicians, film processors, electricians, motion picture projectionists, and carpenters.

7. SALES WORKERS

Personnel who are engaged in direct selling or other administrative sales functions, including account executives, sales traffic personnel, and sales research.

8. OFFICE AND CLERICAL WORKERS

Personnel who are engaged in positions whose activities are predominantly clerical in nature, including bookkeepers; cashiers; accounting clerks; administrative assistants; office machine operators; shipping and receiving clerks; traffic assistants and clerks; stenographers, secretaries, typists, switchboard operators, messengers, and other office personnel.

9. SEMI-SKILLED WORKERS

Personnel who are engaged in occupations requiring minimal training who perform semi-skilled manual labor or who provide maintenance or protective service, including stage hands, parking attendants, guards, and maintenance workers.

PROMOTIONS[1]

	Sex and Race/Ethnicity	Promoted From	Promoted To	FCC Form 395 Category
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

1. The sex and race/ethnicity of each employee who was promoted during the license renewal period is to be identified. The licensee should also indicate the job titles which these individuals held before and after their promotions together with the FCC Form 395 job category which describes the position into which these employees were promoted.

HIRES

Job Categories	Total Employees	White		Minority Male				Minority Female			
		Male	Female	Black	Asian American	Native American	Spanish Origin	Black	Asian American	Native American	Spanish Origin
1.Top Management											
2.Department Heads											
3.On-the-Air Professionals											
4.Programming/ Production Professionals											
5.Other Professionals											
6.Technicians											
7.Sales Workers											
8.Office and Clerical Workers											
9.Semiskilled Workers											
TOTAL											

TRAINEES

Job Categories	Total Employees	White		Minority Male				Minority Female			
		Male	Female	Black	Asian American	Native American	Spanish Origin	Black	Asian American	Native American	Spanish Origin
1.Top Management											
2.Department Heads											
3.On-the-Air Professionals											
4.Programming/ Production Professionals											
5.Other Professionals											
6.Technicians											
7.Sales Workers											
8.Office and Clerical Workers											
9.Semiskilled Workers											
TOTAL											

TERMINATIONS

Job Categories	Total Employees	White		Minority Male				Minority Female			
		Male	Female	Black	Asian American	Native American	Spanish Origin	Black	Asian American	Native American	Spanish Origin
1.Top Management											
2.Department Heads											
3.On-the-Air Professionals											
4.Programming/ Production Professionals											
5.Other Professionals											
6.Technicians											
7.Sales Workers											
8.Office and Clerical Workers											
9.Semiskilled Workers											
TOTAL											

APPENDIX A

METHODOLOGY USED IN COLLECTING DATA ON NETWORK ENTERTAINMENT PROGRAMMING

The Data

The data reported in chapter 2 were made available by the Annenberg School of Communications, which conducts annual studies of network entertainment programming under a grant from the National Institute of Mental Health. The following discussion of the methodology used to collect the coded data and to analyze their reliability is excerpted, by permission, from a report published by George Gerbner and Larry Gross in December 1974.[1]

The Sample

Because nationally distributed programs provide the most broadly shared TV dramatic fare, network dramatic programs transmitted in prime time (8 p.m. to 11 p.m.) and network children's dramatic programs transmitted weekend mornings (Saturday and Sunday between 8 a.m. and 2 p.m.) constitute the analytical source material.[2]

The annual sample consists of videotaped programs broadcast in 1 week[3] during the fall TV "season." When and if an episode of a regularly scheduled program is pre-empted by some special offering during the selected week, the next available episode of that series (say the following week) is videotaped. This replacement procedure is also used for those rare occasions when video-recorder failure results in the loss of a program during the scheduled sample week.

Coding and Training Procedures

For the analysis of each program sample, a staff of 12 to 18 coders is recruited. The initial training period requires about 3 weeks of instruction and testing. The trainee group is subsequently split into randomly assigned coding teams of two each, and all teams then view and code three selected programs. Each coding pair works independently of all other pairs and returns one joint coding for each program. In the next general meeting, the entire staff discusses the difficulties encountered in the three-program exercise. When these problems have been resolved, the coder-pairs return to code seven additional programs selected from the tape archive.

The data generated by the coder-pairs on the 10 training programs is keypunched and subjected to computerized agreement analysis. On the basis of these results, instructions are further discussed and perhaps revised, and idiosyncratic coder-pairs are assigned to other tasks or dismissed. Coder-pairs who survive this testing process proceed to analyze the season's videotaped program sample.

During both the training and data-collection phases, coders work in independent pairs and monitor their assigned videotaped programs as often as necessary, rescreening portions as needed. All programs in the sample are coded by two separate coder-pairs to provide double-coded data for reliability comparisons.

A final data set for subsequent analysis is compiled from the full data base by randomly selecting one of the two codings for each program. As a last check against deviant coding, reliability measures are computed for each pair before the final selection. This procedure would identify problem coders who may not have been screened out in the training and pretest phase. In such an instance, the data recorded by the questionable pair would be excluded from the selection and the alternative coding used. (Over the course of this study, only one such case has been encountered.)

Assessment of Reliability

The purpose of reliability measures in content analysis is to ascertain the degree to which the recorded data are consistently representative of the material being studied and do not reflect the contamination of observer bias or of instrument ambiguity.

[1] George Gerbner and Larry Gross, "Violence Profile No. 6—Trends in Network Television Drama and Viewer Conceptions of Social Reality 1967–1973," December 1974, pp. 10–14. (Mimeographed.)

[2] The sample for this study consisted of data collected over the 6-year period, 1969 through 1974. In 1969 and 1970, the hours included in the annual sample were 7:30 to 11 p.m., Monday through Saturday, 7 to 11 p.m., Sunday, and from 7 a.m. to 2:30 p.m., Saturday and Sunday. In 1971, however, the amount of network programming distributed to affiliate stations was reduced by the FCC's prime time access rule. The effective evening parameters since 1971 are therefore 8 to 11 p.m. Monday through Saturday and 7:30 to 10:30 p.m., Sunday.

[3] The solid week sample is at least as generalizable to a year's programming as larger randomly drawn samples. Eleey, Michael F., 'Variations in Generalizability Resulting from Sampling Characteristics of Content Analysis Data: A Case Study,'. The Annenberg School of Communications, University of Pennsylvania, 1969.

Theoretically both types of contamination can be corrected by refining the instrument and/or by intensifying coder training, or, as a last resort, by eliminating the unsalvageable variable or dismissing the incorrigible coder. Thus, measures of reliability serve two functions: (1) as diagnostic tools in the confirmation of the recording instrument, and (2) as arbiters of the replicability of procedure, assuring confidence in the final data. In this project, reliability measures serve both purposes. During the preliminary period of instrument revision and coder training, they provide direction to the problem areas in the recording process. Final measures, computed on the study's entire corpus of double-coded data, determine the acceptability of information for analysis and provide guidelines for its interpretation.

Agreement due merely to chance gives no indication that the data truly reflect the phenomena under observation. Simple percent-agreement measures are therefore inadequate indicators of reliability since they fail to account for the amount of agreement expected by chance. Reliability measures in the form of agreement coefficients, however, indicate the degree to which agreement among independent observers is above chance. In general, then,

$$\text{Coefficient of agreement} = \frac{1 - \text{Observed disagreement}}{\text{Expected disagreement}}$$

Values for coefficients of this form will range from plus one when agreement is perfect, to zero when agreement is purely accidental (or perfectly random), to negative values when agreement is less than that expected due to chance. These coefficients will generally give more conservative estimates of reliability than will simple percent-agreement measures.

[4] Scott, William A., 'Reliability of Content Analysis: The Case of Nominal Scale Coding,' *Public Opinion Quarterly*, vol. 17 (1955), pp. 321–25.

[5] For a formal discussion of this family of coefficients, see Klaus Krippendorff, "Bivariate Agreement Coefficients for the Reliability of Data." in E.F. Borgatta and G.W. Bohrnstedt (eds.), *Sociological Methodology:* 1970, (San Francisco: Jossey-Bass, Inc., 1970).

[6] Krippendorff, Klaus, "A Computer Program for Agreement Analysis of Reliability Data, Version 4," Philadelphia: The Annenberg School of Communications, July 1973. (Mimeographed.)

Five computational formulas are available for calculating the agreement coefficient. The variations are distinguished by different formulations of the disagreement function—depending on whether the variable is considered to constitute a nominal, ordinal, interval, bipolar, or ratio scale. Except for their respective scale-appropriate sensitivity to deviations from perfect agreement, all formulas make the same basic assumptions as the prototype for nominal scales devised by Scott.[4] Thus, in the case of the binary variable, all five formulas yield identical results.[5]

The project's double-coded sample of data was analyzed for agreement via these coefficients, with the aid of a recently developed computer program.[6] The cumulative reliability results for the variables reported in chapter 2 are presented below.

Reliability of Variables

Variable	Agreement Coefficient	Scale Type
Sex	.959	Nominal
Race	.874	Nominal
Age	.664	Nominal
Seriousness of Role	.732	Ordinal
Hero—Villain	.704	Ordinal
Marital Status	.673	Nominal
Parental Status	.846	Nominal
Economic Status	.656	Ordinal
Employment	.718	Nominal
Field of Activity	.735	Nominal
Commission of Crime	.735	Nominal
Violence	.714	Nominal
Victimization	.733	Nominal

Appendix B

NONWHITE CHARACTERS IDENTIFIED BY PROGRAM, RACE, ETHNICITY, SEX AND OCCUPATION 1973

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Marcus Welby	Vinnie	F	Black	nurse
The New Temperatures Rising Show	Jerry Noland	M	Black	physician
Owen Marshall	Rachel	F	Black	maid
Kung Fu	*Kane	M	Oriental	priest
	Master	M	Oriental	priest
	Sorcerer Lu	M	Oriental	sorcerer
Streets of San Francisco	Detective	M	Black	police detective
Room 222	Jason	M	Black	student
	*Pete Dixon	M	Black	teacher
	Liz McIntyre	F	Black	student counselor
Adam's Rib	Maury Wills	M	Black	baseball player
Love American Style Love and the Last Joke	*Sid Gates	M	Black	comedy writer
Suspense Movie-Money to Burn	Black prisoner	M	Black	prisoner
	*Calvin Baker	M	Black	prisoner, burgler, art gallery manager
	*Caesar Rodriguez	M	Puerto Rican	ex-con, ex-acrobat
The Organization	*Lt. Tibbs	M	Black	police detective
	Coder with accent	M	Middle Eastern	cryptographer for the organization
	Valerie Tibbs	F	Black	unknown
	Charlie Blossom	M	Black	student
	Juan Mendoza	M	Latin American	unknown
	Joe Parallas	M	Latin American	truck driver
	Anne Skikiro	F	Japanese	student
	Stacy Baker	M	Black	law student
	Lt. Jessop	M	Black	policeman
	Black cop	M	Black	policeman
	Black investigator	M	Black	policeman

Source: This is a list of programs in which nonwhite characters appeared in 1973. This and a subsequent list of programs broadcast in 1974, appearing in Appendix C, were prepared by the Annenberg School of Communications, University of Pennsylvania. These lists were used to draw generalizations regarding the portrayal of nonwhite characters. The discussion based on this analysis appears in chapter 2.

*Major characters.

Appendix B Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
The Organization (cont'd.)				
	Black orderly	M	Black	hospital orderly
	Moustached cop	M	Black	policeman
	Cop-gets shot	M	Black	policeman
	Jorge	M	Latin American	unknown
The Rookies	*Terry Webster	M	Black	policeman
	*Jimmy Webster	M	Black	unemployed veteran
	Phil Walker	M	Black	unemployed veteran
Maude	Florida	F	Black	maid
Hawaii Five-O	*Harley Dartson	M	Black	pimp
	J. Paul	M	Black	pimp
	Sporting lady	F	Black	whore
	Whore with pearls	F	Black	whore
	Black pimp	M	Black	pimp
	Black man	M	Black	pimp
	Traffic cop	M	Hawaiian	traffic cop
	John Suis	M	Hawaiian	paid assassin
	Cab driver	M	Hawaiian	cab driver
	Wanton	M	Hawaiian	pimp
	*Lolo Kensi	M	Hawaiian	mobster kingpin
	Ben	M	Hawaiian	police detective
	Black pimp	M	Black	pimp
	Oriental pimp	M	Oriental	pimp
	Plumber	M	Hawaiian	enforcer for Lolo
	Harley's daughter	F	Black	student
	Harley's son	M	Black	student
	Kuichi	M	Hawaiian	foreman for Lolo's illegal activities
	Chin-Ho	M	Hawaiian	police detective
	Oriental pimp with glasses	M	Hawaiian	pimp
	J. Paul's assassin	M	Polynesian	assassin
Cannon	Black boy	M	Black	unknown
Kojak	Dr. Simmons	M	Black	doctor
Guess Who's Coming to Dinner	*John Wade Prentiss	M	Black	doctor
	Tillel Beats	F	Black	cook
	Youth driving sportscar	M	Black	unknown
	Mrs. Prentiss	F	Black	unknown
	Mr. John Prentiss	M	Black	retired mailman

Appendix B Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Calucci's Department	Ramon Gonzalez	M	Puerto Rican	welfare office worker
	Mrs. Gordon	F	Black	welfare office worker
RollOut	Sergeant JB	M	Black	sergeant in army
	*Private Brooks	M	Black	private in U.S. army
	*Corp. "Sweet" Williams	M	Black	corporal in U.S. army
	High Strung	M	Black	in army
	Corp. Kawson	M	Black	corporal in army
Beneath The Plant of The Apes	Black mutant	M	Black	unknown
Mash	Korean baby	M	Korean	none
	Oriental nurse	F	Oriental	nurse
	Old man	M	Korean	unknown
Mannix	Peggy	F	Black	secretary
Barnaby Jones	Parking attendant	M	Black	parking attendant
Police Story	Black detective	M	Black	police detective
	Black Investigator	M	Black	crime investigator
	Coroner	M	Oriental	coroner
Chase	Fred Sing	M	Oriental	policeman
	Insp. Frank Dawson	M	Black	chief of detectives
The Magician	Black nurse	F	Black	nurse
	Jack	M	Black	assistant to Tony Blake
	Louise	F	Mexican	unknown
Wheelbarrow Full of Trouble	Chinese car attendant	M	Oriental	car attendant
	Black police sgt.	M	Black	policeman
Love Story	Buddy	M	Black	assistant director
Ironside	Cindy Morris	F	Black	unknown
	*Mark Singer	M	Black	police detective
Sanford & Son	*Fred Sanford	M	Black	owner of junkyard
	*Lamont Sanford	M	Black	junk business auto parts
	*Julio Fuentes	M	Puerto Rican	auto parts salvager

Appendix B Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Brian Keith Show	Poonie	F	Oriental	doctor's receptionist
	Stuart	M	Hawaiian	unknown
Emergency	Dr. Mike Morton	M	Black	doctor
Buck and The Preacher	*Buck	M	Black	wagon master
	Young black man	M	Black	farmer
	Older black man	M	Black	farmer
	*Rev. Willis Oaks Rutherford	M	Black	itinerant con-man
	Old black man	M	Black	farmer
	Tony	M	Black	works in store
	Kingston	M	Black	farmer
	Simsee	F	American Indian	unknown
	Chief	M	American Indian	unknown
	Uncle Kujol	M	Black	unknown
	*Ruth	F	Black	unknown
	Indian scout	M	American Indian	guide
	Young black man	M	Black	farmer
Walt Disney	*Mokee	M	Indian	ranch foreman
Sunday Mystery Movie Candidate for Crime	Black policeman	M	Black	policeman
	2nd black police-man	M	Black	policeman

Appendix C

NONWHITE CHARACTERS IDENTIFIED BY PROGRAM, RACE, ETHNICITY, SEX AND OCCUPATION
1974

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Marcus Welby	*Dan Williams	M	Black	boxer, forklift driver, electronic technician
	*Lorie Williams	F	Black	housewife
That's My Mama	*Mama Curtis	F	Black	housewife
	*Clifton Curtis	M	Black	barber
	*Floyd Gatlin	M	Black	ex-con, ex-soldier, barber
	Earl	M	Black	postman
	Junior	M	Black	unknown
	Tracy	F	Black	housewife
	Leonard	M	Black	businessman
Rhoda	Black bartender	M	Black	bartender
Death Cruise	Hotel clerk	M	Black	hotel clerk
Paper Moon	*Imagene	F	Black	traveled with evangelists
Cheyenne Social Club	Cowboy #2	M	Mexican	messenger
	Cowboy #3	M	Mexican	cowboy
Kung Fu	Weapon maker	M	Oriental	weapon maker
	*Disciple Ho	M	Oriental	student of a religious order
	*Kwi Chaing Kane	M	Chinese-American	student of a religious order
	*Jid Yen	M	Oriental	unknown
	*Chen Ming Kan	M	Oriental	master of the Sha-Lin religious order
	Ho Fang	M	Oriental	Sha-Lin priest
	Priest #2	M	Oriental	Sha-Lin priest
	Blind priest	M	Oriental	Sha-Lin priest
	Student	M	Oriental	Sha-Lin apprentice
	Lady Mae Wu	F	Oriental	unknown
	Evil priest	M	Oriental	sorcerer; magician

*Major Characters.

Appendix C Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Policewoman	Joe Stiles	M	Black	police detective
	Willie Lester	M	Black	police informant
	Sonny	M	Black	dope dealer
	Sonny's Girl	F	Black	unknown
Columbo	Black policeman	M	Black	investigator
Police Story	San Jose policeman	M	Black	policeman
Apple's Way	Little girl	F	unknown	none
Ironside	*Mark Sanger	M	Black	policeman
Korg	*Korg	M	unknown	caveman
	Bok	M	unknown	caveman
	Tane	M	unknown	caveboy
	Ree	F	unknown	cavegirl
Petrocelli	Doctor	M	Black	doctor
Shamus	Tait	M	Black	butler
Harry O	Policeman	M	Black	policeman
Nakia	Old Indian	M	American Indian	unknown
	Half Cub	M	American Indian	unemployed
	*Nakia	M	American Indian	deputy in SW state
Streets of San Francisco	*Jacob Willis	M	Black	domestic help
	Black policeman	M	Black	policeman
Emergency	Policeman	M	Black	policeman
	Mike	M	Black	intern
Get Christy Love	*Christy Love	F	Black	policewoman
	Police switchboard operator	F	Unknown	switchboard operator
	Dimas Estrada	M	Mexican	farm worker
Walt Disney	*Lolly	F	Eskimo	unemployed
	*Joseph	M	Eskimo	adventurer
	Ninuik	M	Eskimo	hunter
	Old Eskimo	M	Eskimo	hunter
	Eskimo hunter #2	M	Eskimo	hunter

Appendix C Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
Kojak	John Stotz	M	Black	bookmaker
	*Hawthorne Yancey	M	Black	bookmaker
	Lula Perry	F	Black	unknown
	Orderly	M	Black	orderly
	Det. Weaver	M	Black	detective
	Junior	M	Black	unknown
Sierra	P.J.	M	Black	park ranger
For a Few Dollars More	Chinese Servant	M	Oriental	laundry man
	Paco	M	Black	outlaw
	Gunman	M	Mexican	outlaw
Cannon	Chuck Yamagata	M	Oriental	tatoo artist
Sanford and Son	*Fred Sanford	M	Black	junk dealer
	*Lamont Sanford	M	Black	junk dealer
	*Helen Funai	F	Oriental	manager
	Saburyo	M	Oriental	unknown
	Mr. Funai	M	Oriental	president of co.
	Grandpa Masaki	M	Oriental	head of brewing co.
Barnaby Jones	Saleslady	F	Black	saleslady
Rookies	*Terry Webster	M	Black	policeman
Born Free	Nuru	M	Black	driver-manservant
	Tribeswoman	F	Black	unemployed
	Tribesman	M	Black	unemployed
	*'Mazai' Trakana Tribe chief	M	Black	tribal chief
	Tribal youth #1	M	Black	unemployed
	*Medicine Woman	F	Black	folk medicine practicioner
	Tribeswoman	F	Black	unemployed
	*Lorio	M	Black	unemployed
	Radio dispatcher	M	Black	radio dispatcher
	Chukula	M	Black	game scout
	Makedee	M	Black	game scout
	Tribal youth #2	M	Black	unemployed

Appendix C Continued

PROGRAM	CHARACTER	SEX	RACE/ NATIONALITY	OCCUPATION
The New Centurions	Woodrow Gandy	M	Black	unknown
	Wilma	F	Black	prostitute
	Gloria	F	Black	prostitute
	Martha	F	Black	prostitute
	Alice	F	Black	prostitute
	Helen	F	Black	prostitute
	Robbery victim	M	Black	store keeper
	Black man	M	Black	unknown
	Young Chicano	M	Mexican	unknown
	Middle-aged black hood	M	Black	dope peddler
	2nd black hood	M	Black	dope pusher
	Black cop	M	Black	policeman
	*Lorrie Hunt	F	Black	nurse
MASH	Korean	F	Oriental	housewife
Good Times	*J. J. Evans	M	Black	student, non-college
	Thelma Evans	F	Black	student, non-college
	*Mrs. Evans	F	Black	housewife
	*Henry Anderson	M	Black	con-man;encyclopedia salesman
	Michael Evans	M	Black	student, non-college
	James Evans	M	Black	car-wash laborer
	Walona	F	Black	housewife
Mannix	Black physician	M	Black	physician
	Peggy	F	Black	secretary
Lucas Tanner	Jay Tee	M	Black	student
	Chinese student	M	Oriental	student
Hawaii Five-O	Police sgt.	M	Polynesian	policeman
	Chin Ho	M	Polynesian	policeman
	Che Fong	M	Polynesian	policeman
	Ben	M	Polynesian	policeman
	Hawaiian lab technician	M	Hawiian	lab technician
	Nick	M	Polynesian	policeman
Chico & The Man	*Chico Rodriguez	M	Puerto Rican	mechanic
	Louie	M	Black	garbage man
	Mando	M	Puerto Rican	butcher
	Raul Gomez	M	Puerto Rican	lawyer
They Only Kill Their Masters	Black waiter	M	Black	waiter

Appendix D

NETWORK ENTERTAINMENT PROGRAM SAMPLE, 1973

Marcus Welby, M.D.
Temperature's Rising
Movie: Ordeal
Bob & Carol & Ted & Alice
Movie: Go Ask Alice
Owen Marshall
Toma
Kung Fu
Streets of San Francisco
Brady Bunch
Odd Couple
Room 222
Adam's Rib
Love American Style: Games People Play
Love American Style: Footlight Fiancee
Love American Style: Last Joke
Love American Style: Other Mistakes
Partridge Family
Movie: Money to Burn
Griff
The F.B.I.
Movie: The Organization
The Rookies
H.R. Puffnstuff
Maude
Hawaii Five-O
Movie: Hawkins-Die Darling
Cannon
Kojak
The Waltons
Movie: Guess Who's Coming to Dinner
Calucci's Department
Roll Out
Movie: Beneath the Planet of the Apes
All in the Family
MASH
Mary Tyler Moore Show
Bob Newhart Show
The New Perry Mason Show
Mannix
Barnaby Jones
Gunsmoke
Here's Lucy
Dick Van Dyke Show
Medical Center
Children's Film Festival
Police Story
Chase
Magician
Adam 12
Movie: Wheelbarrow Full of Trouble
Love Story
Ironside
Sanford and Son
Girl with Something Extra
Needles and Pins
Brian Keith Show
Emergency
Movie: Buck and the Preacher
Disney's Wonderful World of Color
Movie: Candidate for Crime
Lotsa Luck
Diana
Movie: Barefoot in the Park
Lidsville
Sigmund and the Sea Monsters
Go

Source: This and a subsequent list of programs broadcast in 1974 were obtained from the Annenberg School of Communications, University of Pennsylvania. These lists were used to draw generalizations regarding the portrayal of nonwhite characters. The discussion based on this analysis appears in chapter 2.

Appendix E

NETWORK ENTERTAINMENT PROGRAM SAMPLE, 1974

Marcus Welby, M.D.
That's My Mama
All in the Family
Rhoda
Movie: Death Cruise
Kolchak: The Night Stalker
Mary Tyler Moore Show
Paper Moon
Movie: Cheyenne Social Club
Kung Fu
Police Woman
Paul Sand: Friends and Lovers
Run Joe Run
Movie: Poseidon Adventure
Maude
Columbo
Police Story
Apple's Way
Ironside
Sons & Daughters
Rockford Files
Korg
Sigmund and the Sea Monsters
Six Million Dollar Man
Petrocelli
Shazam
Movie: Shamus
Harry-O
Nakia
Planet of the Apes
Streets of San Francisco
Land of the Lost
Emergency
Happy Days
Get Christy Love
Movie:The Mark of Zorro
Little House on the Prairie
World of Disney
Bob Newhart Show
Kojak
Sierra
Movie: For a Few Dollars More
Gunsmoke
Cannon
Adam-12
The Odd Couple
Sanford and Son
Barnaby Jones
The Rookies
Born Free
Movie: The New Centurions
Medical Center
MASH
Movie: Strange Homecoming
Good Times
Mannix
Lucas Tanner
Movin' On
Hawaii Five-O
The Waltons
Children's Film Festival
Manhunter
Chico and the Man
Movie: They Only Kill Their Masters

APPENDIX F

SOURCES OF SMSA LABOR FORCE AND POPULATION DATA

(All labor force and population data are based on 1970 census figures.)

Atlanta

State of Georgia, Department of Labor, "Georgia Data for Affirmative Action Plans, State and Standard Metropolitan Statistical Areas," Table II, Civilian Labor Force and Unemployment Data, Annual Averages Calendar Year 1974.

Detroit

State of Michigan, Employment Security Commission, Research and Statistics Division, Table II, 1974 Annual Average Labor Force Data by Sex, Race, Ethnic and Minority Group.

Los Angeles

State of California, Employment Development Department, Southern California Employment Data and Research, "Los Angeles County Manpower Information for Affirmative Action Programs," 1975, Table 21A, Labor Force Status for Persons 16 Years Old and Over, Both Sexes, Male, Female, By Race and Ethnic Group.

Philadelphia

State of Pennsylvania, Department of Labor and Industry, Bureau of Employment Security, "Philadelphia Standard Metropolitan Statistical Area Manpower Information for Affirmative Action Programs," 1975, Table 2, Employment Status by Sex and Minority Status.

New York

State of New York, Department of Labor, Division of Research and Statistics, Bureau of Labor Market Information, Civilian Labor Force, New York City SMSA (9 counties), 16 Years and Over. Data obtained by telephone from Rod Fortran, senior economist, October 1975.

San Francisco

State of California, Department of Human Resources Development, "California Manpower Indicators from the 1970 Census, Summary Manpower Indicators, San Francisco County," Table 6, Employment Status for Persons 16 Years and Over, Total Male and Female, By Race and Ethnic Group.

St. Louis

State of Missouri, Division of Employment Security, "Manpower Information for Affirmative Action Programs, St. Louis SMSA," 1975, Table 2, Employment Status by Sex and Minority Status.

Washington, D.C.

District of Columbia, Manpower Administration, Employment Status by Sex and Minority Status for 1974. Data were obtained by telephone from John Gallaghan, labor economist, Oct. 6, 1975.

Cleveland

State of Ohio, Bureau of Employment Services, "Affirmative Action Compliance Program Statistical Information," April 1975. Table II, Civilian Labor Force, does not cross-tabulate by race and sex. Data could not be obtained by telephone; therefore, population figures were substituted. U.S., Department of Commerce, Bureau of the Census, *General Population Characteristics* , Sect. 1, Part 37, Table 23, Race by Sex, for [Cleveland, Ohio]: 1970. The resulting data are presented separately.

Chicago

State of Illinois, Department of Personnel, "Minority Population in State of Illinois, Labor Force by County," does not cross-tabulate by race and sex. Data could not be obtained by telephone; therefore, population figures were substituted. U.S., Department of Commerce, Bureau of the Census, *General Population Characteristics* , Sec. 1, Part 15, Table 23, Race by Sex, for [Chicago, Illinois]: 1970. The resulting data are presented separately.

APPENDIX G

COMMENTS FROM

THE FEDERAL COMMUNICATIONS COMMISSION

ON THIS REPORT IN DRAFT

AND

RESPONSES FROM

THE U.S. COMMISSION ON CIVIL RIGHTS

FCC COMMENTS

FEDERAL COMMUNICATIONS
COMMISSION
WASHINGTON, D.C. 20554
MAY 16, 1977

Mr. John A. Buggs
Staff Director
United States Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Dear Mr. Buggs:

This is in reference to your letter, dated March 11, 1977, transmitting for our comments copies of a Report, entitled *Window Dressing On The Set: The Portrayal [and Employment] of Women and Minorities In Television,* to be published by the United States Commission on Civil Rights.

Chapters I through IV of the draft report concern the depiction of minorities and women in television programming. We are willing to assume, for the purposes of this letter, that the report's factual base is, in general, accurate, insofar as it relates to the depiction of minorities and women in television programming. Utilizing a selective historical approach to the portrayal of minorities and women, the report finds that until the 1960's television entertainment programming was practically devoid of significant participation by racial characters or non-stereotypical role models. While the past decade has witnessed an increase in the number of minorities and women in television programming, the report concludes that accelerated improvement is necessary. The report then goes on to suggest that this Commission should require such improvement, either through its rulemaking procedures or on a case-by-case decision making basis.

We disagree.

Wholly apart from the First Amendment prohibitions and Section 326 of the Communications Act, which are certainly applicable, the approach recommended by the United States Commission on Civil Rights would create a regulatory nightmare. Not only should the Commission not place itself in the role of a censor, but it would almost certainly bog down hopelessly if it were to try to regulate television programming fare in the way the report suggests—to oversee the day-to-day content of entertainment programs, judge role models, second guess casting decisions, preview scripts, select news stories for coverage, regulate the assignment of reporters to those stories, and select guests and moderators for discussion programs. Surely, however serious the problem may have been (or is), the suggested cure would be worse. Indeed, carried to its logical conclusion, the suggested solution could also lead to the censorship of all free speech.

RESPONSE

The Commission on Civil Rights does not propose to censor free speech, nor does it suggest that the FCC oversee day-to-day content of entertainment programs, preview scripts, select news stories, or conduct any of the other specific censorship chores the FCC comments envision. Furthermore, this Commission does not believe that significant improvement will come as a result of a case-by-case decision-making process. We agree with Commissioner Benjamin Hooks, who noted in *National Broadcasting Company, Inc.* 58 FCC 2d 419 (1976), that the stereotyped portrayal of women (and minorities) is "endemic of television institutionally." He argued that it was "wasteful to thrash out. . .broader and more widely applicable programming issues in the context of a single renewal case" and suggested that "an overall inquiry" was preferable to "multiple, *ad hoc* proceedings." The U.S. Court of Appeals for the District of Columbia found merit in Commissioner Hooks' suggestion, noting that ". . .an industry-wide problem may be more appropriately aired and an industry-wide remedy formulated in a general inquiry, such as a rule-making." *(National Organization for Women, et al.* v. *FCC.,* Sl. Op. 74–1853, D.C. Cir. April 11, 1977). The court did not order the FCC to conduct a rulemaking: "The decision whether to institute industry-wide studies, such as the Commission's wide-ranging inquiry into children's programming and advertising practices, still rests largely in the discretion of the Commission."

The Commission on Civil Rights strongly urges the FCC to adopt the suggestion of Commissioner Hooks and the U.S. Court of Appeals and undertake an inquiry and proposed rulemaking regarding the portrayal of minorities and women on network

television. Such an inquiry should explore ways to make the networks more accountable to the FCC and to their local affiliates. Greater accountability should not be equated with censorship and, because of the protections of the first amendment and section 326 of the Communications Act, need not be.

FCC COMMENTS

Programming is, of course, the essence of broadcast service in the public interest. Recognizing this simple and fundamental premise, the Commission in 1968 admonished all broadcast licensees to provide equal employment opportunities to all persons without regard to their race, color, religion, national origin or sex. In this respect, we agree that the lack of adequate role models may have an adverse effect on minorities and women. We would also agree that the traditional programming broadcast 15–20 years ago has undergone a substantial change. Increasing numbers of minorities and women are now actively seeking employment in higher status jobs in broadcasting, and are attending professional schools to prepare themselves for such jobs. Further, the period of improved programming for minorities and women has followed and in part coincided with this agency's efforts to encourage and promote improved job opportunities for minorities and women. In our view, the promotion of equal employment opportunities for such persons is a better solution to the programming problem than the direct intervention advocated in the draft report.

RESPONSE

The Commission on Civil Rights is pleased to learn that the FCC shares its belief that "the lack of adequate role models may have an adverse effect on minorities and women." Although improvements in both the employment and portrayal of minorities and women in television can be documented, this report concludes that there is considerable room for continued improvement. The Commission recognizes that the FCC has played a role in promoting improved job opportunities for minorities and women. This report examines that role, evaluates its effectiveness, and makes recommendations for changes in FCC procedures.

FCC COMMENTS

The remaining portion of the draft report, namely, Chapters V through VII, specifically relate to the Commission's role in the area of promoting equal employment opportunities for minorities and women. Initially, we note that while the Federal Communications Commission was the first and, to date, the only independent federal regulatory commission to adopt non-discrimination and equal employment opportunity rules, this agency and CCR have had a long standing disagreement on our mission and appropriate role in this area. However, the underlying reasons for this Commission's role have been recognized by the Supreme Court *(N.A.A.C.P. v. F.P.C.*, 425 U.S. 662 (1976) and more recently by the Court of Appeals *(National Organization for Women, et al., v. F.C.C.*, Sl. Op. 74–1853, D.C. Cir. April 11, 1977). In this regard, CCR in its comments in Docket 20550 (Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees) and various Congressional oversight hearings, has advocated that the FCC fashion similar EEO compliance requirements to those government agencies which enforce Executive Order 11246, as amended. This Order, which established the Office of Contract Compliance within the Department of Labor, mandates strict data gathering techniques and analysis by federal contractors and requires systematic on and off site compliance review. It should also be noted that federal agencies enforcing the Order are afforded budgetary compensation for their enforcement of the Order. However, in our view, the procedures employed by this Commission to gather compliance data must, of necessity, bear a strong relationship to the Commission's primary statutory purpose—regulation of the broadcast industry in the public interest. See *N.A.A.C.P. v. F.P.C., supra.* To this end, we believe that the procedures adopted by the Federal Communications Commission to enforce our nondiscrimination and equal employment opportunity rules, which have been developed with the broadcast industry in mind, are adequate and, indeed, have been effective.

RESPONSE

The Commission on Civil Rights is aware that the FCC was the first and remains the only independent Federal regulatory agency to adopt nondiscrimination and EEO rules. The FCC is to be commended for doing so. It should not be forgotten, however, that the FCC has a mission that is quite different from that of other Federal agencies—that is to assure that those who use the public airwaves and thereby control the major media of mass communications in this Nation do so in the public interest.

It was this special mission that the Supreme Court acknowledged in *NAACP v. FPC* when it singled out the FCC as being uniquely responsible for regulating employment opportunities "to ensure that its licensee's programming fairly reflects the tastes and interests of minority groups." The U.S. Court of Appeals for the District of Columbia applied this decision to television's portrayal of women in *NOW v. FCC,* arguing that the regulation of employment practices is a method "less intrusive on the First Amendment, for assuring that licensees provide fair and balanced coverage of news on women's issues,. . ." than FCC "intrusion" into "the licensee's process of selection and presentation" of the news.(Sl. Op. 74–1853, at 16.)

Given these judgments regarding the value of the regulation of employment policies and practices as a method of assuring programming in the public interest, it seems rather incongruous for the FCC to use these cases to suggest that its mission to assure equal employment opportunity is somehow less important than that of the Office of Contract Compliance.

The FCC suggests that its budget is insufficient to do a thorough job of assuring equal employment opportunity. If, indeed, this is the case, then it should seek additional funds.

FCC COMMENTS

By way of background, to further examine and evaluate its equal employment opportunity efforts, the Commission, in 1975, issued a Notice of Inquiry and Notice of Proposed Rulemaking in Docket 20550 which sought to reaffirm our concern with equal employment opportunities, elicit comments regarding changes in our EEO rules and procedures to make them more effective and clarify the meaning of the term "affirmative action." After thorough consideration of the comments and reply comments in Docket 20550, including those filed by the Commission on Civil Rights, the Commission issued its Report and Order In re *Nondiscrimination in The Employment Policies and Practices of Broadcast Licensees,* 60 FCC 2d 226, released July 26, 1976. In addition to reevaluating our role in this area, the Commission adopted a new 10 point model EEO program to be filed by broadcast renewal applicants employing 11 or more full-time employees. This new program, in our view, represents a significant step forward with respect to increasing the amount of information and employment data before the Commission at renewal time. For instance, the program now elicits information concerning the number of referrals from each recruitment source, an availability survey of the number of females and minorities present in the licensee's workforce, a job structure analysis from those stations employing more than 50 full-time employees and licensee self-analysis regarding the effectiveness of EEO programs and any steps the licensee intends to take to correct any deficiencies in the program. With respect to enforcement tools, the Commission indicated that it would continue to require licensees found deficient in implementing our EEO rules to file periodic EEO progress reports. The Commission also indicated that it would use short-term renewals, and the imposition of goals and timetables to assure compliance with our rules and, in egregious cases, evidentiary hearings to explore substantial and material questions regarding a licensee's compliance with those rules.

RESPONSE

The FCC's new 10-point model EEO program is discussed in chapter 7 of this report and in responses that follow. Briefly, this Commission does not believe that the new program "represents a significant step forward." Most of the new information that the program will elicit is not categorized by job title nor cross-classified by race, ethnicity, and sex. It has been shown throughout this report that the collection of information by "minorities" and "women" results in a loss of information about men and women of specific racial groups and in the double counting of minority women. The job structure analysis will be collected only from those licensees with 50 or more employees. As noted in chapter 7, only 41 percent of the commercial stations and 12 percent of the noncommercial stations employ over 50 employees.

FCC COMMENTS

While the Commission decided to elicit more information from licensees with respect to equal employment opportunities and reaffirmed its intention to use all the sanctions available to it to bring about compliance with our EEO rules, the Commission also emphasized that its role in this entire area was a limited one. The Commission stated that we did not view our role as a "sweeping mandate to further the 'national policy' against discrimination" nor did we intend to duplicate the roles of the Equal Employment Opportunity Commission or other state

or local agencies in providing specific remedies for discrimination. We made clear that our role was limited to "assuring on an overall basis that stations are engaging in employment practices which are compatible with their responsibilities in the field of public service programming." This proposition was set forth in *National Broadcasting Company, Inc.*, 58 FCC 2d 419 (1976) and was judicially approved in *National Organization for Women et al. v. F.C.C., supra.* (These decisions are discussed in detail, *infra.)* Thus, rather than shirking its responsibilities in the area of equal employment opportunities in the broadcast industry, this Commission has, instead, accepted its responsibilities and, indeed, has moved forward in requiring even more information with which to judge broadcast licensee compliance.

RESPONSE

It is the FCC's insistence on limiting its role in assuring equal employment opportunity that disturbs the Commission on Civil Rights. As its comment notes, the FCC has stated that it does not view its role as a "sweeping mandate to further the 'national policy' against discrimination." Elsewhere in both its 1976 Report and Order in Re *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees,* 60 FCC 2d 226, and in *National Broadcasting Company, Inc.*, 58 FCC 2d 419 (1976), the FCC states that "its responsibility is not the regulation of employment discrimination *per se.*" Using *NAACP v. FPC,* 44 U.S.L.W. 4659 (May 19, 1976), the FCC argues that its role is limited only to the adoption of regulations directly related to its particular statutory responsibility, i.e. assuring that licensees provide programming in the public interest. However, the FCC acknowledges that the Supreme Court noted that the FCC's employment regulations are justified in that they are "necessary to enable the FCC to satisfy its obligation under the Communications Act. . .to ensure that its licensee's programming fairly reflects the tastes and viewpoints of minority groups." *(Id.* at 4662, note 7.) This Commission fails to understand, therefore, how the FCC can interpret this case so as to limit its role in the regulation of employment of its licensees. On the contrary, it directly and explicitly grants to the FCC the authority to regulate employment as a means of assuring programming in the public interest.

FCC COMMENTS

It should also be noted that recently the Commission adopted a revised processing standard for use in the routine evaluation of broadcast licensees' EEO compliance. Briefly, the Commission will first look to a station's employment profile. If minorities and women are present on a station's staff in a ratio of fifty percent of their presence in the available workforce overall and twenty-five percent in the upper four job categories, the Commission will limit its analysis to a brief analysis of the written EEO program to assure that the program is complete in all significant respects. However, if a station does not meet this statistical standard, our staff will evaluate the written EEO program in detail and, if necessary, will request additional information from the licensee. If, after this analysis is complete, it appears that a licensee is still not in compliance with our rules, the Commission will not hesitate to use the sanctions available to it.

RESPONSE

The Commission on Civil Rights has included a new section in chapter 7 discussing the FCC's recent adoption of a revised processing standard. As shown there, the computation of utilization ratios for minorities and for women can be distorted to show much higher utilization ratios for the two groups than is true for men or women of individual racial groups. This Commission strongly urges the FCC to require licensees to compare labor force data and station employment data for men and women of each racial and ethnic group. Furthermore, the requirement that 25 percent of all minorities and women be employed in the upper four categories at a given station makes little sense when over 77 percent of all employees are classified in the upper four.

FCC COMMENTS

In sum, we do not believe that a meaningful evaluation of the Federal Communication Commission's involvement and progress in the field of nondiscrimination and equal employment opportunities can be undertaken without a full understanding of the Commission's statutory mandate and limited role in this area. Once the nature of this role is considered, it is apparent that this Commission has neither the statutory authority nor the expertise to duplicate the functions of other agencies whose primary function is to seek out the underlying causes of discrimination and provide legal remedies for past

or continuing discrimination. We have always regarded our role as prospective in nature—e.g., one of leading licensees into compliance with our rules. We also believe that we have taken significant steps to gather sufficient information with which to evaluate licensees' compliance with our rules. Having set forth our basic policies and functions, we wish to address ourselves to several specific matters raised in the draft report.

RESPONSE

The Commission on Civil Rights has already argued that the FCC does indeed have the statutory mandate to regulate the employment policies and practices of its licensees. To do so effectively it must require its licensees to undertake a thorough affirmative action program as described in chapter 7. To require licensees, for example, to discover the causes of underutilization is not to duplicate the functions of other agencies. Most television licensees are not Federal contractors and are thus not subject to Executive Order 11246. Furthermore, it is unclear whether any broadcast licensee is complying with the Executive order. Correspondence from the General Services Administration (the agency that enforces Executive Order 11246 for the broadcasting industry) reports that in late 1975 "companies within the broadcasting industry were refusing to acknowledge GSA's authority, maintaining that companies within the industry were not Government contractors subject to Executive Order 11246, as amended. The companies. . .contended that their only obligation in the EEO field was to FCC regulations." (Letter from E.E. Mitchell, Director of Civil Rights, Division of Contract Compliance, GSA, to Helen H. Franzwa, U.S. Commission on Civil Rights, Dec. 18, 1975.) Any regulations requiring licensees to develop affirmative action plans following the model set forth in the Executive order would therefore not be duplicative.

The FCC's belief that its role should be "prospective in nature—e.g., one of leading licensees into compliance with our rules" suggests to licensees that they need not comply with FCC's EEO rule until forced to. Indeed, in its 1976 *Report and Order* referred to above, the FCC suggests that licensees need not worry about the underutilization of minorities and women. In this regard the FCC stated:

> We did not intend to intimidate licensees into thinking that any disparity between minority and female employees and their respective representation in the licensee's community of license would automatically trigger a Commission EEO inquiry or otherwise jeopardize a licensee's license renewal.

FCC COMMENTS

Overall, we are concerned that the equal employment opportunity areas of the draft report are based upon insufficient information and data to support the broad conclusions contained in the report. We are also concerned that the report is highly critical of Commission procedures and requirements which are no longer in effect. In this regard, we expect that once licensees begin filing EEO programs based upon the new model 10 point program and as the Commission implements its new processing guidelines, much of the material contained in the report will be moot. In short, we believe that any analysis of the Commission's EEO regulation should be based upon the procedures we have adopted this past year to strengthen and update our monitoring and enforcement techniques.

RESPONSE

As argued in chapter 7 and again below in response to the FCC Comments directly applicable to chapters 5 and 7, the Commission on Civil Rights does not believe that the FCC's new 10-point model EEO program is a significant improvement over its recent EEO program. Thus, much of the analysis contained in chapter 5 continues to be relevant. Furthermore, it was possible to use the data collected for this report to analyze the FCC's new utilization analysis procedures. This Commission believes that these analyses should help to focus the FCC's attention on the inevitable weaknesses of its new program and convince the FCC to begin soon to strengthen it.

FCC COMMENTS

Chapter V of the draft report purports to analyze the extent to which the FCC's rules have affected the employment status of women and minorities at local television stations, based upon a study of 40 television stations and their respective EEO programs and employment profiles as of 1975. The study also focuses in detail on eight of these stations. While we seriously question whether the size of the sample is adequate to support the chapter's ultimate conclusion—e.g., that the FCC's rules have been ineffective—we are more concerned that the study is based

upon data which is no longer accurate or timely. Specifically, the 1975 employment data utilized is more than two years old and the EEO programs used by broadcast licensees in 1975 have been superseded by our new 10 point program mentioned previously. Written EEO programs are now much more detailed and specific than those required in the past. Thus, we are concerned that the study and its related conclusions may be inaccurate and extremely misleading. In addition, we have attached to this letter a station by station analysis of all 68 television stations in the markets utilized by CCR in its 40-station sample, concentrating upon overall minority and female staff participation and in the higher-paying job categories in relation to the composition of the relevant labor market. As with the draft report's 40-station sample, our 68-station sample shows increased representation of minorities and women which, in some instances, approaches or exceeds parity with the available labor force.

RESPONSE

The FCC is concerned that the size of this Commission's sample is too small and that its data are no longer timely. This criticism applies to chapters 5, 6, and 7 and is dealt with in footnotes as it specifically relates to each of those chapters and in specific responses that follow.

FCC COMMENTS

Chapters V goes on to characterize the broadcast industry's view of EEO compliance as one of non-commitment based upon the statements of four of eight station managers interviewed and, in some cases, based upon the statement of only one manager. These conclusions are, in our view, speculative at best, due to their limited support. Of more concern, however, is the questionable relevance of the industry's attitude toward equal employment opportunities in assessing the affect of the FCC's regulation in this area. We believe that we have made substantial progress in assuring that minorities and women participate in the broadcast industry in meaningful positions and we have every reason to believe that this progress will continue.

RESPONSE

The data on which the conclusions of chapter 5 were based were an analysis of the EEO plans of 40 television stations as well as indepth interviews with 8 general managers, all of whom were quoted at least once throughout the chapter, some more than others. While it is true that eight people cannot speak for hundreds, nevertheless, the uniformity of their responses as well as the EEO plans themselves suggest a pattern. The pattern the Commission on Civil Rights sees is one in which licensees tend to hire and promote on the basis of established practices and view the preparation and submission of an EEO program as an end in itself rather than as a means to the end of providing equal employment opportunity.

The relevance of industry attitude in assessing the effectiveness of the FCC's regulation lies in the necessity, under past and current procedures, to rely on the good faith of the industry. If members of the industry are acting in less than complete good faith, the FCC's willingness to rely on it will result in less than equal employment opportunity for all.

FCC COMMENTS

Chapter VI of the draft report concludes that minority and female employment gains "have not necessarily" been significant. Based upon the job titles provided by eight of the stations analyzed in Chapter V, the report attempts to demonstrate that women and minority employees are improperly classified in the FCC Form 395 job categories, which CCR believes are irrelevant to broadcasting. While we have previously addressed ourselves to the increasing role which minorities and women are playing in the broadcast industry, we wish to emphasize that we, also, are concerned with the misclassification of employees on our annual employment reports, FCC Form 395. In this regard, the Commission in its *Report and Order,* in Docket 20550 warned against such practice and stated that a classification which had no basis in reason or in fact could amount to bad faith and border on a misrepresentation. In several contested renewal cases, we have strongly admonished licensees for misclassifying employees on the Form 395. In addition, we note the limited nature of the draft report's data base—eight stations—and question whether such data supports the contention that the broadcast industry is engaging in mass misclassification of employees on the Form 395. Moreover, the newly adopted 10-point model EEO program requires stations with 50 or more full-time employees to submit a list of job titles within each Form 396 job category indicating the race or national origin and sex of the incumbents. This information will be similar to that received from the eight stations examined in the report, and we

believe it will provide us with another means to determine those employees which may be misclassified. Additionally, the Commission issued a Public Notice on January 3, 1977, asking interested parties to comment on whether the Commission should consider a rulemaking procedure to amend the annual report on employment. It appears that CCR is of the opinion that the FCC should issue a Notice of Inquiry and Notice of Proposed Rulemaking on the subject. Accordingly, we will regard the appropriate sections of the draft report as CCR's response to our Public Notice.

RESPONSE

The Commission on Civil Rights undertook its study of job title classification, in large part, because of the suggestion of the United Church of Christ Office of Communication that large increases in the proportion of employees in the upper four categories during the past 5 years might be due to misclassification of job titles.

This Commission is pleased to share the FCC's concern about misclassification of employees and commends that Commission for its warning and admonishments. However, the Commission on Civil Rights does not believe that these efforts are sufficient to deal with the problem. Although the FCC's new requirement that stations with 50 or more employees submit a list of job titles may help, it should be noted, as reported in chapter 7, that only 41 percent of the commercial television stations employ more than 50 people and only 12 percent of all noncommercial stations have more than 50 employees.

The FCC is concerned that this Commission's data base is too small to support a conclusion that the broadcast industry is engaging in mass misclassification of employees on the Form 395. The national data for 1975 published by the United Church of Christ, reported in chapter 7, show that of all television employees in the Nation, 77.2 percent were classified in the upper four categories in 1975. The data obtained from the 40-station sample show that in 1975, 75 percent of all employees at these stations were classified in the top four categories. At the eight stations, 78.3 percent of all employees were in the top four categories in 1975. Given the comparability of these figures, it is fairly certain that the data reported for the eight station sample do not differ markedly from other stations.

The FCC also expressed concern about the timeliness of the data. This Commission is aware that its data are no more recent than 1975 and appreciates the effort that the FCC expended to provide Form 395 data for 1976. Apparently, the FCC negelected to note that the more recent date show that the tendency to classify employees in the upper four categories has increased during the past year. Whereas 75 percent of all employees in the 40-station sample were employed in the upper four categories in 1975, the data provided by the FCC show that 80 percent were in the upper four in 1976.

One of the 40 stations reported 92 percent of its employees in the upper four. Two others reported 89 percent and 87 percent of their employees as being in the upper four. The FCC data also show that 48 percent of the female employees are in the upper four and that 63 percent of all minorities are in the upper four categories.

The FCC seems to have missed the point of chapter 6. This chapter analyzes in detail the FCC's job categorization scheme. The 1976 Form 395 data supplied by FCC could not be used to update the report because the FCC neglected to report employees by job category. The only breakdown of total employees was the "upper four" classification which, as this Commission has already noted, includes almost all employees. Furthermore, the data were not classified by race, ethnicity, and sex.

FCC COMMENTS

Chapter VII of the draft report concerns the policies which this Commission has adopted in order to carry out its EEO responsibilities and the policies which the draft report would have us adopt. As is evident from the preceding discussion regarding the Commission's role and concern with equal employment opportunities for minorities and women, the record of rulemaking and subsequent amendments thereto indicate the Commission's ever increasing concern in this area. Therefore, we believe that the draft report's characterization of the Commission's role as evidencing a "lack of real commitment" is inaccurate and mistaken.

RESPONSE

The Commission on Civil Rights does not wish to characterize the FCC's role in this area as evidencing a "lack of real commitment" if such a characterization is truly inaccurate and mistaken. The appropriate line of the report has been altered to read

". . .the history of the FCC's development and implementation of an enforcement policy has been overly cautious."

FCC COMMENTS

We also wish to point out that the report's conclusions with respect to the Commission's position and actions in the WRC case appear incorrect in light of the court's affirmation in *National Organization for Women, et al. v. F.C.C., supra.* There, the court distinguished the Commission's oversight function from that of the Equal Employment Opportunity Commission and approved our legal and procedural approach in arriving at a reasoned decision. The report's portrayal of the sequential developments in the case are reasonably accurate, however, it depicts the FCC as "not interested in the elimination of discrimination by its licensees," which is not the case. The quote used in support of this statement is but a portion of the Commission's statement with respect to how we view our EEO regulatory function from that of agencies specifically charged with enforcement responsibility. In order that the record is clear on this issue, we refer you to paragraphs 5–7 of the WRC *Report and Order,* 58 FCC 2d 419, 421, 422.

RESPONSE

The Commission on Civil Rights has rewritten the section of chapter 7 pertaining to the WRC case, primarily updating it to incorporate the recent court of appeals decision. The basic conclusions regarding the FCC's prospective approach to EEO enforcement remain the same, however. As argued above, the Commission on Civil Rights believes this position allows licensees to take a wait-and-see approach to EEO matters. This Commission does not believe that its quotation from the WRC *Report and Order* was unreasonably truncated; however, the entire quotation appears in chapter 7 in the text and in a footnote.

FCC COMMENTS

Chapter VII also engages in a lengthy criticism of the Commission's recent action in Docket 20550. CCR's arguments essentially are similar to those already advocated and considered by the Commission in the formal rulemaking proceeding. Our explanations for the various data requirements, the small station exemption and the reporting format are adequately set out in the Commission's *Report and Order* in Docket 20550. CCR also made the same statement of its position to the Government Accounting Office when we sought GAO approval of our new model EEO program. GAO was not pursuaded by CCR's advocacy for additional information and approved the Commission's 10-point model EEO program as adopted. Further, the new program only went into effect on April 1, 1977, and the Commission is only now beginning to collect information that, over a reasonable period of time, will serve as a basis for assessing its effectiveness. It does not appear that sufficient data is presently available to assess a program that was developed with the participation of all interested parties and formulated within the FCC's statutory parameters.

RESPONSE

The FCC is not entirely accurate when it states that "GAO was not persuaded by CCR's advocacy for additional information. . . ." The mission of GAO is to evaluate proposed agency forms. It uses four basic criteria: (1) the need for the information the agency proposes to collect; (2) whether the proposed form is appropriate; (3) whether it duplicates the efforts of other agencies; and (4) the burdensomeness of the reporting process.

GAO met with a staff member of the Commission on Civil Rights on November 24, 1976, and assured this agency at that meeting that it was concerned about matters raised in our comments, particularly with respect to the FCC's failure to require licensees to report data for men and women of each racial and ethnic group.

Stressing its lack of power to require agencies to collect more data than they propose, GAO, nevertheless, assured this agency that it would try to persuade the FCC to adopt CCR's proposal that the FCC require licensees to report all data in their EEO plans cross-tabulated by race, ethnicity, and sex.

On December 10, a member of GAO's staff telephoned this Commission to report that it had failed to persuade the FCC. GAO indicated, however, that it looked forward to seeing this Commission's report and hoped to be able to use it when it reviewed proposed changes in FCC's Form 395.

In assessing the potential effectiveness of the FCC's new program, the Commission on Civil Rights relied in part on data developed for the current study. There are many similarities between the new program and its predecessor; therefore, the use of these data is appropriate. That part of the new program constituting a utilization analysis was

also appropriately evaluated using data gathered for this report.

It is also possible to predict that the hiring and promotion data that the FCC requires licensees to provide will reveal very little about the changing employment status of minorities and women at stations. As noted in the preceding section, the FCC does not require licensees to specify job titles or to cross-classify newly hired or promoted employees by race, ethnicity, and sex. It is not necessary to await the resulting data to assess their lack of specifity or the potentialities for distortion.

FCC COMMENTS

As a final matter, we note that the draft report does acknowledge that the Commission's nondiscrimination rules "includes the element necessary to bring about equal employment opportunity in the broadcast industry." This also is the conclusion that we reached in adopting more precise policies and guidelines for the implementation of these rules. The Commission's record of enforcement, however, demonstrates more than a "paper commitment" to the elimination of discriminatory employment barriers within the industry. Our imposition of various sanctions (i.e. short-term renewals and EEO conditional grants) speak for themselves and evidence the Commission's continuing concern for full EEO compliance. In Fiscal Year 1976, not including the added quarter, the Broadcast Bureau received petitions to deny and/or informal objections against 499 stations alleging some form of employment discrimination. Allegations against all 499 stations were examined and presented to the Commission for its consideration. As a result of our analysis, 119 stations were subject to further inquiry and/or the regular pleading cycle. The allegations against the other stations were dismissed as procedurally deficient as lacking merit. Of the 119 stations queried, 37 were conditionally granted renewal of license based on their submission (and our evaluation) of periodic EEO progress reports. Through the routine processing of applications for renewal of license, 2,265 EEO programs were examined to determine their compliance with the Commission's nondiscrimination rules and a portion of these were selected out for further evaluation through processing criteria. Some 256 EEO programs were evaluated in depth resulting from this routine processing of non-contested renewal applications and 128 resulting from contested cases. In addition to the 37 stations previously mentioned as receiving conditional grants, 36 stations received similar conditions as a result of our routine processing procedure. Therefore, rather than having a lax enforcement program, the Commission believes that its enforcement of equal employment requirements is substantial and we anticipate an even more vigorous record with our newly adopted procedures.

RESPONSE

The Commission on Civil Rights is pleased to learn that the FCC anticipates a vigorous effort of EEO enforcement in coming years. The data regarding its effort in the past year are apparently primarily applicable to radio to which, of course, its EEO rule also applies. While they demonstrate that the FCC engages in a good deal of enforcement activity, they do not speak to the nature of that activity nor to its results. Given the data reported in chapter 5 of this report, this Commission notes that only 256 EEO programs out of 2,265 required indepth review as a result of routine processing.

The FCC statement regarding its enforcement efforts is not responsive to the major points made in this report: (1) While the gross numbers of minorities and women employed at television stations have increased over the past 5 years, with few exceptions, they are *not* employed at television stations in proportion to their numbers in the labor force; (2) While large proportions of minorities and women are reported to be employed in the upper four categories, most of them do *not* hold decisionmaking, high level supervisory or high level professional positions.

The revised guidelines and model EEO program that the FCC recently implemented do not address these points nor do the *Comments* that the FCC has made regarding this report.

FCC COMMENTS

We appreciate the opportunity to comment on the draft report. However, as noted in this letter, we are concerned that the report, as it now stands, contains inaccuracies and misstatements—a few of which have been noted herein—concerning the Commission's past and future role in the regulation of equal employment opportunities for minorities and women. Due to the length and complexity of the draft report, we have not been able to comment on each and every inaccuracy or misstatement of fact. Therefore, we again urge that members of your staff meet with members of the Commission's staff before

the draft report is adopted and published so that our role in this area may be fairly and accurately depicted.

Sincerely yours,
Wallace E. Johnson
Chief, Broadcast Bureau

RESPONSE

The Commission on Civil Rights is pleased that the FCC responded in detail to this report in draft. This provided us the opportunity to correct errors we made, to clarify certain sections, and to update, to some degree, our data. This Commission is convinced that the report as it now stands fairly and accurately depicts the FCC and its role in the regulation of equal employment opportunity.

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